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TYRANNY IN INDIA!

ENGLISHMEN ROBBED

OF THE

BLESSINGS OF TRIAL BY JURY

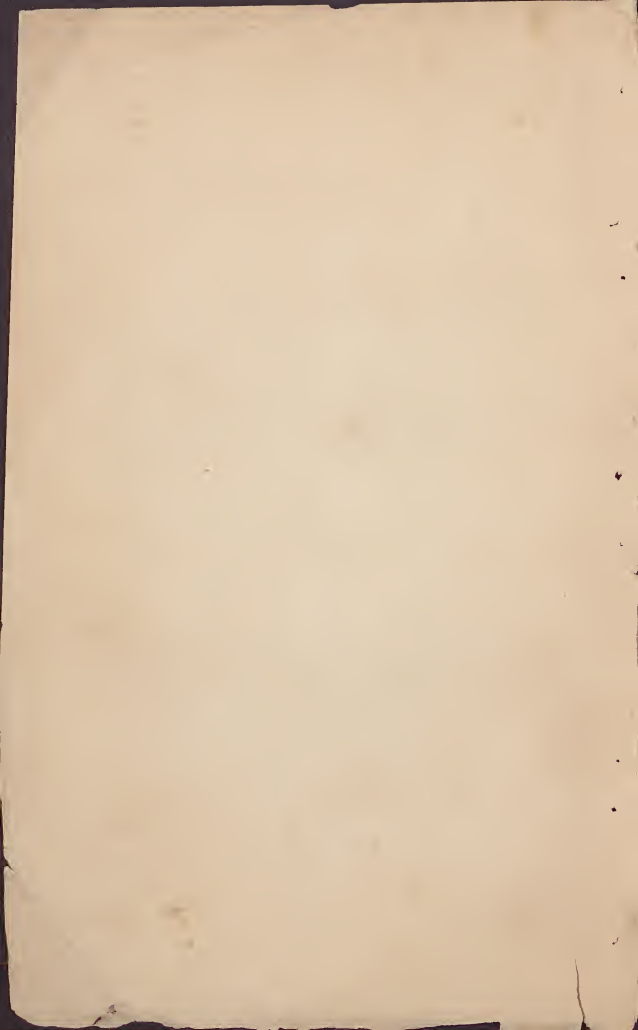
AND

ENGLISH CRIMINAL LAW.

CHRISTIANITY INSULTED!!!

"Quicquid Delirant reges, plectuntur Achivi—
Intra muros peccatur."—HORACE.

LONDON:
JAMES RIDGWAY, PICCADILLY.
1850.



THESE pages are respectfully inscribed to that illustrious statesman, the EARL OF ELLENBOROUGH, whose short but brilliant administration of Indian affairs tended to decrease the danger, and to mitigate the violence of the impending storm of Seikh invasion, which has since burst comparatively harmless. If the formidable armies of the Mah-rattas and Belooches had been in existence when the Seikhs crossed the Sutlege in 1845—if Marahajpore and Meanee had not been fought, what power would now be paramount in the territories stretching from Calcutta to Peshawur? Would the Company's Government be now disfranchising Englishmen of their most valued and ancient privileges?

THE last Indian mail brought us intelligence that the Draft Act for the protection of Judicial Officers had become law, and also that, in two or three days after the sailing of the steamer, the other drafts would be ratified and declared legislative facts. The source from which we have derived our information is of the *most authentic* kind, and removed above the likelihood of error. Therefore, long ere this, the following Acts have undergone the final reading in the Council of India.

ACT, No. 1849.

ERRATUM.

P. 35, last line, *for* English *read* Indian.

pany without the towns of Calcutta and Madras and the town and island of Bombay, are now by law exempt from the jurisdiction of the Criminal Courts established by the East India Company in the said territories, to which all other persons, whether natives or other inhabitants in the said territories beyond the said towns and islands are amenable ; And, whereas, it is necessary for the due administration of justice that such exemption be abolished, it is enacted as follows :—

I: In every part of the territories under the Government of the East India Company without the towns of Calcutta and Madras and the town and island of Bombay, all persons are henceforth amenable to the jurisdiction of the Magistrates and Criminal Courts of the East India Company, and may be apprehended, tried, and punished by

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ACT, No. 1849.

*An Act for abolishing Exemption from the Jurisdiction of
the East India Company's Criminal Courts.*

WHEREAS, her Majesty's British subjects resident in the territories under the Government of the East India Company without the towns of Calcutta and Madras and the town and island of Bombay, are now by law exempt from the jurisdiction of the Criminal Courts established by the East India Company in the said territories, to which all other persons, whether natives or other inhabitants in the said territories beyond the said towns and islands are amenable ; And, whereas, it is necessary for the due administration of justice that such exemption be abolished, it is enacted as follows :—

I: In every part of the territories under the Government of the East India Company without the towns of Calcutta and Madras and the town and island of Bombay, all persons are henceforth amenable to the jurisdiction of the Magistrates and Criminal Courts of the East India Company, and may be apprehended, tried, and punished by

them respectively according to the Regulations and Acts now or hereafter to be in force, save only that no such Magistrate or Court shall have power under this Act to sentence to the punishment of death any of her Majesty's natural subjects born in Europe, or the children of such subjects.

II. Every one of her Majesty's natural born subjects born in Europe, and every child of such subjects convicted before any such Criminal Court of any offence which, according to any Regulation or Act now or hereafter to be in force is punishable with death, shall be transported out of the territories under the Government of the East India Company for life, or for such term as the Court shall adjudge.

III. The Judges and Magistrates of the Courts of the East India Company may in any case in which it shall seem fit to them, with the approval of the Governor, Lieutenant-Governor, or Governor-in-Council of the Presidency or place, send any of her Majesty's natural born subjects born in Europe, or the child of any such subject charged with any offence before them to be tried before the Supreme Court of Judicature, instead of trying and punishing him under this Act.

IV. Clause CV. of 53 George III. chapter 155, being so much of an Act of Parliament passed in the 53rd year of the reign of King George III. for the better administration of Justice within the British territories in India, as relates to assaults, forcible entries, or other injuries accompanied by force, which may be committed by British subjects at a distance from the place where the Courts are established by Royal charter, is repealed.

V. Nothing by this Act shall be deemed to take away

the jurisdiction of the several Courts established by Royal charter in Calcutta, Madras and Bombay, for the trial and punishment of treasons, felonies and misdemeanors, and for the due administration of criminal justice according to the tenour of the said several charters; so, nevertheless, that no person shall be liable to be punished twice for the same offence.

VI. The word, magistrate, as used in this Act, shall be understood to mean every officer, however styled, who has authority to exercise all or any of the powers of a magistrate.

Ordered that the draft now read be published for general information.

ACT, No. 1849.

An Act for Trial by Jury.

WHEREAS, the laws in force for trial by Jury in certain cases require to be amended, and made the same throughout British India, it is enacted as follows:—

I. Regulation X. 1827, of the Madras Code, Section IV. V. VI. of Regulation VI. 1832, of the Bengal Code; and Section XXXII. of Act VII. 1843, are repealed; but this repeal shall not affect the validity of any proceedings taken in any Court under the repealed Sections before the arrival of a copy of this Act at the Sudder station, where such Court is held, or any proceedings which may then be depending before such Court.

II. Every person who at the time of his committal for

trial before a Session's Judge claims to be tried by a Jury shall be entitled to be tried under this Act.

III. All persons of reputed intelligence, respectability, and consideration, between the ages of twenty-five and fifty years, are qualified to serve on Juries.

IV. All qualified persons are liable to serve on Juries, unless included in any of the classes following, that is to say,

First.—Judges, magistrates, and other judicial officers, law-officers, Vakeels, officers and servants of the Courts of Justice.

Second.—Commissioners, collectors, deputy-collectors, and other persons in the Revenue service.

Third.—Postmasters, and persons in the service of the Post Office.

Fourth.—Officers and others in the Military service of her Majesty or the East India Company.

Fifth.—Surgeons and others, who openly and constantly practise in the profession of physic.

Sixth.—Chaplains, priests, and others employed in religious offices.

Seventh.—Principals, professors, and teachers of any Government college or school.

Eighth.—Ascetics and other persons, who by habit or religious vows, have relinquished all care of worldly affairs.

Ninth.—Persons disabled by permanent diseases, which confine them to their homes.

Tenth.—Persons specially exempt by any order of Government.

V. The Collector in each district shall make out, yearly, under the direction of the Commissioner, a list of the names and dwelling-places of all persons within his district, qualified and liable to serve on juries, whose usual dwelling is

not more than miles from the Sudder Station, where a Court of Sessions is held.

VI. Any person excluded from the list, who thinks that his rank, station, and character entitle him to be included therein ; and also every person improperly included therein, may require the Collector to alter the list accordingly : if the Collector shall not comply with the request, an appeal from his decision shall lie to the Commissioner, whose decision is final. The list, when finally corrected, shall be sent to the magistrate of the Sudder station.

VII. The magistrate at the Sudder station shall summon as many persons as seem to him to be needed for jury-trials. The names shall be drawn by lot, excluding those who have served within two years, unless when the number cannot be made up without them.

VIII. All persons liable to serve on juries, who shall refuse, or without lawful excuse, to be allowed by the Judge, neglect to attend when summoned, or who, when attending, shall refuse to try the prisoners whom they are charged to try, shall be liable to such reasonable fine, as the Judge, having regard to their rank and means of paying the fine, shall set on them for their contempt of court : all such fines shall be subject to review, on summary appeal to the Nizamut or Foujdaree Adawlut.

IX. Whenever any jury-trial is to be had, five persons shall be chosen by lot, at the time of holding the Sessions, from those who attend on their summons : in default of a sufficient number, the Judge shall make up the jury from the persons present in Court, or whom he shall cause to be summoned for the purpose.

X. Either the prosecutor or the prisoner may object to any of the persons chosen to be of the jury, stating the ground of his objection : if it is allowed by the Judge, the

juryman objected to shall be set aside for that trial, and another chosen in his stead. The place of birth, descent, or creed of any juryman shall not be lawful ground of challenge. If not objected to, the same jury may try as many prisoners successively as to the Judge seems expedient.

XI. One of the jury shall be appointed by the Judge to act as foreman.

XII. All the evidence for and against the prisoner shall be taken in the presence and hearing of the jury, who shall be entitled to suggest questions to the witnesses, which, if proper to be put, shall be put under the direction of the Judge. At the end of the trial the Judge shall explain the evidence to the jury, and thereon the foreman shall declare for the verdict of the jury, whether in their opinion, or in the opinion of the majority of them, the prisoner is guilty or not guilty.

XIII. As soon as the verdict is given, the Judge shall declare his approval or disapproval of it. If the Judge approves of a verdict of not guilty, the prisoner shall be discharged: if the Judge approves of a verdict of guilty, he shall proceed to pass sentence on the prisoner, or send the proceedings for final sentence to the Nizamut or Foujdaree Adawlut, as the case may be, according to law; and the jury shall have no voice in deciding on the amount of punishment to be awarded: if the Judge disapproves of the verdict, he shall refer the case, with his observations, to the Nizamut or Foujdaree Adawlut. In the last-mentioned case the jury also shall be empowered to record, under the hand of their foreman, the reasons for their verdict, which the Judge shall send with the other records of the trial.

XIV. An appeal shall lie to the Nizamut or Foujdaree Adawlut against the decision of the Judge in not setting

aside a juryman objected to: if on such appeal the objection is sustained, the Court may order a new trial.

XV. The Governor-General of India in Council may from time to time suspend the operation of the previous Sections of this Act, in those districts in which there is not a sufficient number of inhabitants qualified to furnish a jury.

XVI. After the passing of this Act no Futwah shall be required, in any case, from the law-officer of any Court.

Ordered, that the draft now read be published for general information.

ACT, No. 1849.

An Act for the Protection of Judicial Officers.

For the greater protection of Magistrates and others acting judicially, it is enacted as follows:—

I. No Judge, Magistrate, Justice of the Peace, Collector, or other person acting judicially, shall be liable to be sued in any Civil Court, for any act done or ordered to be done by him, in the discharge of his judicial duty, whether or not within the limits of his jurisdiction; provided that he at the time in good faith believed himself to have jurisdiction to do or order the act complained of; and no officer of any Court, or other person bound to execute the lawful warrants or orders of any such Judge, Magis-

trate, Justice of the Peace, Collector, or other person acting judicially, shall be liable to be sued in any Civil Court for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

Ordered, that the draft now read, be published for general information.

FREDERIC JAMES HALLIDAY,

Secretary to the Government of India.

INDIAN LAW.

THE generosity of the British nation is proverbial. Has any one appealed to the sympathy of the British people in vain? Their compassion, so extensive, so universal, does it not comprehend the whole world? Where are words to describe that noble generosity so conspicuously displayed towards the Polish and French refugees? Who can withhold admiration of that generous outburst of feeling in behalf of the gallant, but unfortunate Hungarians? In short, the susceptibility of John Bull is perhaps too great. We now call on the English people to suspend their sympathies in behalf of foreigners, and to bestow all the compassion they can spare upon their hapless fellow countrymen in India, whose rights have been trampled under foot by that most despotic of all governments—the government of India. That an Englishman should be deprived of trial by his peers, is bad; but that a Christian should be degraded to the level of Mahomedans and Hindoos, is beyond all toleration. It is intended to convey some idea of the dangerous tendency of these Acts, which endanger all personal liberty. There never was

greater occasion for the openly-expressed sympathy of the English nation. And we entreat it, in the name of the exiled English in India, to render its prompt assistance. Let it but once express its disapprobation of these proceedings, and our object will be accomplished.

How artfully worded, what a specious representation, is this first enactment! It says, the Indian government finds it expedient to abolish the exemption of Englishmen from the jurisdiction of native courts. The meaning of this is nothing less than to impose the Mahomedan law, as modified by the Company's regulations, upon all Englishmen in India, and to confer upon the magistrates of the Company power to transport them across the seas for the term of their lives. In other language, it is an abolition of the jurisdiction of her Majesty's Courts in India over British-born subjects, and the murder of all those safeguards of liberty, which form the essence and glory of the British Constitution. The Supreme Courts of Law, or her Majesty's Courts, were established in India at a very early period; and the name of a Chief Justice of Calcutta, Sir Elijah Impey, as far back as the time of Warren Hastings, must be familiar to the English reader. For them was reserved the trial of all Englishmen offending against criminal law.

It may be expedient here to dilate a little on the constitution of these Courts. The Supreme Court was originally a distinct establishment, which, together

with all the privileges attached to it, derived its authority from that sacred source of all legislation—the House of Commons—and placed above any interference of the local government. Thus a powerful tribunal was created, which, being exempted from the dictation of the local governments, was competent to afford protection to all Englishmen, both against any oppressive acts of the Company's officers, and against the diabolical machinations of the natives. The Supreme Court was then the highest judicial establishment in India, and its powers extended to all natives as well as Europeans in Bengal. It administered the laws of England to all alike, and every one, whether Governor or Rajah, bowed to its decision. When there were two opposition-governors in Calcutta, Clavering and Warren Hastings, the Supreme Court adjusted the difference by declaring the latter to be the legal Governor. Its power was boundless. That the technicalities of the English law should have created much confusion, and been the source of much apprehension and distress among the ignorant natives, may be easily imagined. They lived in daily fear of their lives, and knew not how soon, or for what offence, their goods, even their lives, might be forfeited. There was a great discrepancy between the penalties awarded to offences by the English and Mahometan systems. The case of Nuncomar, an opulent native of high rank, who was convicted of forgery, said to have been com-

mitted some years previous to the trial, and hanged by Sir Elijah Impey, was not likely to allay the fears of the native community. The law of Mahomet inflicts a lighter punishment for this offence. That this was a judicial murder, and calculated to bring discredit on the English government, must be allowed. To have introduced the English law into all parts of Bengal, and to have superseded the native institutions, was a hazardous policy, calculated to endanger the existence of the Company. That myrmidons of the Supreme Court should outrage the privacy of native princes, and arrest them for unknown offences, was disgraceful. The exemption of the Zemeendars, or farmers of a district, and other natives, from the jurisdiction of the Supreme Court, was absolutely necessary, and in 1779 this salutary change was effected. The jurisdiction of this Court over natives was limited to those living in Calcutta. British-born subjects, in whatever places resident, remained amenable to it alone. From this it will be seen that English law was once the sole law of the Company's territories. The Mahomedan system of legislation was once more re-established. That this law, familiar to the habits and feelings of the natives, however corrupt, was better calculated to give satisfaction to the native community, cannot be denied. It was better adapted to secure the ends of justice; for a well-understood legislation, however faulty, is better than *no* law; and the English law was no law to

the natives, for they were totally ignorant of the principles upon which it was grounded. The Company was then in the infancy of its power, and sound policy dictated that everything tending to engender distrust should have been avoided. The re-establishment of the Mahomedan law conciliated the affections of that large and important class which had derived its means of subsistence from the Native Courts. The patronage at the disposal of the civil servants is most comprehensive.

What would Impey and Chambers exclaim if they were to rise from the grave and see that the Court, over which they had presided, once so powerful, had gradually dwindled into insignificance and become a mere cypher? They always conceived that the object of the Act of 1779 was only to suspend their jurisdiction over the natives, without the town of Calcutta, till the latter became more enlightened and capable of understanding the great principles of English legislation. Such a change as the subjection of their fellow-countrymen to the Mahomedan courts never entered their imagination. That the law of the Prophet, even when modified by the Company's regulations, is better adapted than in 1779 for the trial of Englishmen, we deny.

In the charter of 1833 there is a clause which empowers the Governor-General of India, in Council, to legislate for the Indian dependencies, and gives all his enactments the force of Acts of Parlia-

ment. It is said that he is unshackled and free to annul any and every law though enacted by the Parliament. Such is the general impression. But if we peruse the 43rd clause of the Charter of 1833, we shall see that there is a reservation concerning "the unwritten laws and constitution of England." The clause runs thus: "And be it enacted, that the said Governor-General, in Council, shall have power to make laws or regulations for repealing, amending, or altering any laws or regulations whatever, now in force or hereafter to be in force in the said territories or any part thereof, and to make laws and regulations for all persons, whether British or native, foreigners or others, and for all courts of justice, whether established by her Majesty's Charters or otherwise, and the jurisdiction thereof; and for all places and things whatsoever, within and throughout the whole and every of the said territories, and for all servants of the said Company within the dominions of princes and states in alliance with the said Company, save and except that the said Governor-General, in Council, shall not have the power of making any laws or regulations which shall in any way repeal, vary, suspend or affect any of the provisions of this Act, or any of the provisions of the acts for punishing mutiny and desertion of officers and soldiers, whether in the service of His Majesty or the said Company, or any provision of any Act hereafter to be passed, in anywise affecting the said Company or the said

territories of the inhabitants thereof, or any laws and regulations which shall in any way affect any prerogative of the Crown or the authority of Parliament, or the constitution and rights of the said Company, or *any part of the unwritten laws or constitution* of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any person to the crown of the United Kingdom or the sovereignty or dominion of the said crown over any part of the said territories."

But to return from our digression. The custom has always prevailed that, when an Englishman has been charged with any violation of the law, on his assertion of the right to be tried in the Supreme Court according to the forms of the English law by her Majesty's justices versed in that law, and by a jury of twelve of his peers, he has always been sent to Calcutta. The English colonist learned to regard this privilege as an inalienable birth-right, and to rest his security thereon against the machinations of the hostile people, among whom his lot in life was cast. What surprise and indignation he must feel when, after being in the enjoyment of these valuable blessings for so many years, he finds himself suddenly robbed of them, and in point of civil immunities placed on a par with the native population! Only conceive his horror when he learns that Mahomedan law will be dispensed to him, that trial by a jury of

his peers, in its real protective sense, will be denied to him; that, if a jury be granted him, it will consist of only five persons, all of whom may be Mahomedams and Hindoos, and that no appeal will lie beyond the chief Court of the Company, the *Sudder*, which usually confirms the proceedings of the inferior tribunal! Only imagine his dismay when he finds he may be shipped off to Singapore or Botany Bay, on the false accusation of any native, by the very judge, with whom he has perhaps been at variance, without any chance of redress! He knows himself to be superior in point of religion, education, and morality, to both Mahomedan and Hindoo; therefore he indignantly asks, on what principle the Government reduces superiors to a level with inferiors? That the Englishman is superior to the native, who will deny? It strikes us that it should be the aim of the Government to raise the inferior class to the standard of the higher. With this conviction of the moral and intellectual inferiority of the native, how absurd is this attempt to make unequal things equal! Here is a flagrant violation of common sense and justice.

It will be asked, is there not some important reason assigned for a measure, affecting so seriously the long-established rights of so many of our countrymen? Yes; the Government declares that there is a reason for this annihilation of old rights, for a this arbitrary curtailment of the power of her Majesty's Courts.

It alleges a serious inconvenience as the cause of these innovations, which is nothing less than the distance of the Supreme Court of Calcutta from the Northern parts of India, and the consequent expense attending the removal of prisoners from such a distance.

Sir Charles Napier has told us that the East India Company are a "poor suffering set of men,"—what wonder, then, if we see them endeavour to reduce their expenditure in these hard times! But that they will not effect any saving by this measure, we will hereafter demonstrate.

It appears, that some months ago, an Englishman, employed in an office in the Meerut district, or *Zillah*, committed the crime of forgery—converted a four rupee bill into one for forty. The distance from Calcutta was upwards of seven hundred miles. On being charged with the crime, the accused asserted his claim to be tried by a jury of his peers, according to the forms of English law, before the Supreme Court of Calcutta. He was accordingly conveyed thither, a host of witnesses—among them the magistrate of Meerut himself—forming a necessary accompaniment. That the expense and inconvenience entailed by this procedure were great, and that there was some slight interruption of the public business at Meerut, owing to the absence of so many Government servants, all subpoenaed to appear before the Supreme Court, is true; but such cases were rare, and by a refer-

ence to the books of the Court it may be seen, that during the last twenty years, only thirty-five such subjects were sent from the Mofussil, or provincial districts of India, to Calcutta, and only seven of these were conveyed from a greater distance than a hundred miles.

This particular case was made the subject of much comment by the press of India, and the *Meerut* paper, the *Mofussilite*, represented it as an absurd anomaly. That some means should be devised, to obviate the annoyance and expense of such a tedious journey on the part of Government witnesses and servants, appeared necessary; but that the Government would adopt such a violent remedy never entered the imagination of any. Indeed, it was better that the abuse should exist, than that such an abominable outrage should be inflicted on the feelings and cherished institutions of the English community. The surprise felt by Englishmen, from General Officers down to the lowest grades, on the declaration of such an intention by the Indian Government, as to subject them to Mahometan law, exceeds our powers of description. There was one loud shout of indignation. The fall of heaven was regarded to be as likely as that these iniquitous drafts would become legislative enactments.

The law, administered in the Company's native courts, is based on the *Koran*, the Bible of the Mahometans, though it has been slightly modified

by the statutes of the Government. The modifications are little more than changes and additions, arbitrarily introduced by different Judges, at different periods, without any definite fixed object, and adopted by the Supreme Power. Therefore, as may be imagined, this law is nothing but a confused jumble of absurd inconsistencies and contradictions. A feeble attempt, however, to assimilate a precept of the Koran to the spirit and end of English law, may be occasionally perceived. English law, thus engrafted on the Koran, looks as a head of Phidias would do on the bust of a common mason—an anomalous absurdity. To convey a good idea of the system of laws which are to be the rule of action to our fellow-countrymen in India, we cannot do better than quote the opinion of an experienced writer in the Calcutta Review, who says: “Some of the most glaring discrepancies, ridiculous contradictions, and monstrous absurdities of the Mahomedan law have been superseded by the British regulations; but the generality of the latter have no reference to the former, and consist merely of rules of procedure.”

The Judges, members of the Civil Service of the Company, educated only in Mahomedan jurisprudence, will influence the verdict as to the guilt of the prisoner as well as pronounce the sentence of punishment. It is optional with the prisoner whether a jury shall be summoned or not; but the choice of the Judge may fall on five natives of the

vilest stamp to form a jury, and he is not bound to adopt their opinions. The forms and examinations are carried on in the native language, and English is unknown within the precincts of the Courts. The corruption pervading them is proverbial; perjury has been so long habitual to the native subordinates, that it has become a second nature to them. The ramifications of this systematic corruption, and the prevalence of perjury and subornation of perjury even among Judges and Magistrates, shall form the subject of future comment. That this venality and disgraceful perversion of justice characterise the native tribunals of India, the highest officers in the Civil Service have admitted. They acknowledge the lamentable extent of this nuisance; but declare their inability of checking it. But that there are many who connive at those proceedings, is certain. The subordinate offices in these Courts are much coveted by the Mahomedan population. A candidate for them exclaims, "The pay is small I know; I shall receive a stipend of but fifty rupees per mensem; but I shall make five hundred rupees a-month out of the thing." Of this the native makes no concealment; nor does he hesitate to divulge his golden dreams to his English patron. So far from regarding the acceptance of bribes as dishonourable and prejudicial to the proper administration of justice, he looks on them as the fair perquisites of office. The tenure of office is precarious; therefore, he makes good use of his time, and extorts every

farthing he can, to provide against the day of adversity. The principle upon which Mahomedan legislation is grounded, differ much from those enunciated by English law. Besides, there is also much dissimilarity between the degree of punishment allotted to offences by the two laws: for instance, the crime of adultery is visited by the penalty of mutilation and imprisonment, whilst, on the other hand, it is thought sufficiently punished by the English law if the adulterer be mulcted to the tune of some pounds. It appears that even under the old system a Christian was imprisoned by some magistrate for three years for adultery committed with a Christian woman. Even if there was not such marked difference between the two codes, it is the maximum of bad taste to make British-born subjects bow the knee to laws built upon the imposture of Mahomet, derived from so impure a source as the Koran, which is regarded by all Christians as a tissue of revolting lies and absurdities. Thus we, as it were, disclaim the religious and intellectual superiority of our own laws, and remove to a further distance than ever that grand scheme of philanthropists,—the assimilation of the natives of India, in habits, institutions, and religion, to ourselves. The enactments of such laws is a gross libel on the enlightenment of the nineteenth century.

It would be impossible to impart a better notion of the inadequacy of Mahomedan law to promote the ends of justice, than by transcribing another

passage from that celebrated periodical, the Calcutta Review :—" It would be useless to point out, in this age of enlightenment, the defects of the Mahomedan law. Few people require to be told that it is a century behind the times, and that, however useful it might have been in barbarous ages, it is impotent and weak in days of refinement, and among a community daily advancing in opulence, power, and civilization. Indeed, a law to which the punishment of mutilation is familiar, and which lets off murderers, if the weapon of destruction be below the standard weight, for murderer's weapons as prescribed in the Koran, hardly requires any comment ; it speaks for itself."

Here a writer of vast experience is of opinion, that the Mahomedan law, as modified by the Company's regulations, is inadequate to the wants of the native community. How much less adapted it is to those of Englishmen, let our own fellow-countrymen imagine !

As grave charges are here preferred against the whole system of Indian legislation, it becomes our duty to substantiate them. We will, therefore, point out its most glaring absurdities. In case of an appeal from an inferior to superior Court, the latter does not summon the plaintiff, defendant, and witnesses before it, but merely rests its judgment upon the papers sent up from the lesser tribunal. There is no searching cross-examination ; but the Judge draws his inferences as to the

merits of the case from the colouring given by the writer of the report, who is a native. Then, this native writer frequently erases important passages, and adds words affecting the sense of sentences, in order to obtain a reversal of the verdict. For such service as this he receives ample remuneration from the party concerned. There is nothing from which native subordinates will shrink, when an opportunity offers of making money. It sometimes happens that the native writers employ these disgraceful artifices to gratify a vindictive feeling against the magistrate himself. The insolent knave chuckles in his sleeve when an order arrives reversing a decree, and reflecting on the magistrate for his stupidity.

Such a system of appeal thwarts the end of all law; it produces uncertainty. The perpetrator of a crime knows that escape from the hands of justice, even if he should fall into the clutch of its myrmidons, is a probable contingency. And thus distrust and discontent are diffused through all classes of the community. Judicial murders, unjust transportation, and the escape of the guilty, must be frequent under such corrupt legislation. Yes; so suspicious are some enlightened, honest Judges of the fidelity and accuracy of the records placed before them, that they will never deliver sentence of death, from fear of punishing innocence. What greater proof of the inefficiency of the Company's mode of dispensing justice can be

adduced than this? Here are Judges compelled to come to a decision on the merits of a question involving the life, property, and liberty of another, with no other guide than a record sent up from a lesser Court, prepared by a native, and which, in all probability, is a garbled, false statement. Who, endowed with a conscience, would like to play the judge under such circumstances? If the appeals of British-born subjects are to be submitted in this way to higher authority, God preserve us! The horrors of Siberia and the knout bear no comparison to such atrocities.

Just imagine the degradation of a good Christian,—a native of York or Chester, a respectable planter, standing on his trial before a native magistrate, a Moslem dog! It must be remembered there is now no office from which natives may be excluded, provided they possess the necessary qualifications. Imagine this Englishman, we say, accused by his native cook or sweeper, of intoxication or assault, and taken before this Mahomedan official. Imagine, we say, this native magistrate committing him to prison for months, or inflicting stripes upon him. We do not treat of impossibilities. A deputy magistrate possesses these powers, and now that Englishmen and natives are on a level in the eye of the law, the one is as liable to be punished as the other. Intoxication is a very great crime in Mahomedan law, so is killing a man with a weapon above a certain weight. Is

there not some stipulation with the Court of Turkey, that an Englishman is not to be tried by Mahomedan forms and laws, in that country? Has not this stipulation been long in existence? On what ground did the English Government of that day make such a demand? No doubt they urged as a reason the strange discrepancy between the Mahomedan and their own system; but were in reality influenced by the conviction, that the trial of an Englishman before an infidel Court would be a national disgrace. They were powerful enough to claim such a privilege, and they did so. The members of this Government, with their English feelings, were worthy of public admiration. On one side, behold English Ministers demanding an unusual concession from a foreign Court (because they could not reconcile to their ideas of propriety a Christian degraded to the standard of Mahomedan law), we say an unusual concession, because in other countries a foreigner offending against the laws of the place where he resides, is amenable to those laws; on the other side, the Government of India,—a body of Englishmen of good education, depriving their fellow-countrymen of their constitutional privileges, of that Palladium of British liberty, Trial by Jury, blessings conferred on them by the English Parliament, of which they had been in the enjoyment a hundred and fifty years, and subjecting them, without any reason, to the dogmas of *that highly moral book*, the Koran.

If a future mail should bring intelligence, that Sir John Littler had assumed the *turban*, that Sir Fredrick Currie had wrapped his unwieldy carcase in a *chupkin* or native *toga*, and that Mr. Drinkwater Bethune had made a solemn recantation of Christianity, and been heard exclaiming, "There is no God but God, and Mahomet is his Prophet," if all this should take place, and much more, we should not be surprised. That Indian sun does so distort the imagination !

To expose all the abuses of the system, would require Herculean labour, the exposure of a few must suffice. It is a practice of this law to keep men in confinement, for fear they should commit offences, on the most vague suspicions. If a convict should be released, the term of his imprisonment having expired, and should return to his native village, the police officer there is empowered to place him in the village prison, on pretence of preventing his breaking the peace again ; or, if a robbery take place, the discharged convict is frequently arrested, without an iota of evidence against him, is imprisoned on suspicion, the suspicion resting on the fact that he had once been a dishonest man. An unfortunate wretch may thus remain in the clutches of the Company's police all his life. That this practice is liable to great abuse, must appear at first sight. What a powerful instrument of extortion ! What benighted regions those must be, where neither liberty, property, nor life, is safe for an hour,

where a low constable posted in a remote village, because he chances to be the servant of the Company, has so much in his power !

Justice is bought, sold, polluted, and disgraced under the very eye, and, alas ! too often with the connivance of educated Englishmen. Take all the native menials eating the salt of the Company, one and all, from the highest *Sudder Ameen* to the lowest *peon*, and cull out an honest man if you can. A mass of stinking corruption, loathsome to the senses, excites the nausea of the spectator. One of the members of the Police Committee, convened some time ago, declared that he had received two conflicting statements of one story from his *Darogah* or chief subordinate, that the facts were so arranged in the one report, as to make the accused appear guilty, and in the other, as to establish his innocence. The rascal unwittingly placed both before the magistrate ; he doubtless prepared the hostile document first ; afterwards, on receiving a wink from the prisoner, prepared the favourable one. A nod from the prisoner, under these circumstances, is easy of interpretation ; the *Mohurrir* or clerk, taking depositions, frequently writes down "Yes" when the witness says "No," and "No" when he says "Yes." This is a common dodge even in the presence of the magistrate himself, when his attention is diverted.

The practices, formerly in vogue with the Star

Chamber and High Commission Court, are well-known in India. To extort a confession by means of flagellation, is not an unusual expedient of native officials. They often have recourse to more cruel methods—methods which would have elicited loud shouts of approval from James the Second, and are not less revolting than the thumb-screw and the boot. The innocent, overcome by fear, plead guilty of the offence imputed to them, and even prefer accusations against others equally guiltless. A crime is perhaps perpetrated in a village. The native officers can obtain no clue to the real perpetrators of the outrage. The magistrate clamours for the apprehension of the offenders. He accuses his subordinates of inactivity, and threatens them with dismissal. The subordinate, alarmed for his place, seizes an innocent man, uses every effort to elicit a confession from him, and, by means of cruel treatment, effects his purpose. A writer thus describes these proceedings, “Not being able to suspect any one, he selects some innocent person from the adjoining village, takes him into a solitary room, and there continues beating him till he roars for mercy.”

In this system of forced confessions, there is a positive violation of that common legal maxim, “No man ought to accuse himself, unless it be before God.”

When we express our most heartfelt abhorrence of such acts as contrary to the spirit of English

institutions, and subversive of the reputation of the English for honesty and humanity, it may be answered, that the institutions of India are those of an arbitrary government, and not to be measured by the high standard of the English Constitution. We allow the difference ; but ask, what will justify your handing over men like our fellow-countrymen, brought up in exalted ideas of the blessings of personal liberty and liberty of conscience, impressed with a lively sense of the importance of trial by their peers—what will warrant your handing over such enlightened men as these to the tender mercies of an infidel legislation, of which brutal violence and corruption are the chief characteristics ? That native subordinates will inflict flagellation upon British-born subjects, is possible ; but that the Company's magistrates will do so, there can be no doubt. When the judge loses temper, he will lay on the stripes boldly ; he is acting in good faith !

These facts set forth in true colours the tyrannical character of the Company's government. Imprisonment, because a man once committed an offence, although he has legally expiated it—the extortion of confession by flagellation, or by worse means—appeals decided on false and garbled statements—the release of a murderer, because the weapon he used was below the size of those proscribed as weapons of murder in the Koran—are exquisitely nice parts of a consummate whole. It is surprising

that these atrocities have not been deemed worthy of modification.

Then what can be a more pernicious custom than that the seniors of the civil service should estimate the efficiency of their inferiors, the magistrates, by the number of convictions within their jurisdiction? If a magistrate should send in his report filled with a list of convictions, he is set down as a vigilant, hard-working public officer. He receives his recompense in the warm commendations of the district judge. It is, therefore, the interest of the magistrate to arrest and convict as many wretches as possible. The more prisoners he finds guilty, the nearer he is to higher preferment. If the native police-officers perceive such a spirit, such motives of action in a superior, they provide him with subjects for conviction as fast as he wants them. They will work him from morning till night. The native menials are earning a reputation for vigilance, and the magistrate is raising himself in the estimation of his superiors: thus, there is a mutual benefit. That such a test of merit in a public officer, vested with magisterial functions, is repugnant to the spirit of English law, must be obvious to every one.

In the Mahomedan courts, everything conspires against the prisoner. The contingency of a doubt is always given against him.

Then, again, it is inconsistent with propriety that

the officer who arrests the culprit, and who can scarcely avoid imbibing local impressions during his search for the fellow, should sit in judgment on him. This officer writes to his superiors, that he has arrested the perpetrators of a dreadful outrage after the greatest difficulty. The parties arrested may be innocent, still it becomes the interest of the magistrate to convict, in order to prove to his superiors that the man he arrested under such creditable circumstances, with such a display of zeal, did commit the said crime.

It is a maxim of English legislation, that the function of the constable should be kept separate from that of the judge; for how can a judge be impartial, when his mind has received a bias, long before the trial, either against or in favour of the prisoner. We cannot do better than illustrate this case by transcribing the opinion of that talented public officer, Mr. Halliday, Secretary to the Indian Government, relative to the separation of the two offices. "The union of magistrate with collector has been stigmatised as incompatible; but the junction of thief-catcher with judge is surely more anomalous in theory, and more mischievous in practice. So long as it lasts, the public confidence in our criminal trials must always be liable to injury, and the authority of justice itself must often be abused and misapplied. For this evil, which arises from a constant and unavoidable bias against all supposed offenders, the power of appeal

is not a sufficient remedy; the danger to justice, under such circumstances, is not in a few cases, nor in any proportion of cases, but in every case. In all, the magistrate is prosecutor, constable, and judge. If the appeal be necessary to secure justice in any case, it must be so in all; and if, as will follow, all sentences by a magistrate should properly be revised by another authority, it would manifestly be for the public benefit that the appellate tribunal should decide all cases in the first instance."

If the Indian Government had it in contemplation to administer the law of England to Englishmen in their Courts, there would not be reason for so much surprise. Our opposition, however, to this scheme would be equally great; for their Judges are not adapted by education or circumstances to dispense justice in criminal cases to British-born subjects. Their knowledge of English law must be limited; for the greater part of their time is dedicated to the study of the Mahomedan code. If the Government urge the necessity of their civil servants acquiring a knowledge of the English law, the native law must be in some measure neglected. Now, we hold that these officers, on an average, by no means display such intimate acquaintance with the Mahomedan law, as to justify the belief that they could master the intricacies of our own system. There are many deficiencies in the system of training; no systematic instruction and no

premium on legal skill. They must sacrifice their acquisitions in one branch of law to the other. In short, the effect will be, that they will become bad English and bad native lawyers. What a contrast would these men present to the experienced Justices of the Supreme Court! That these hybrid Company's Judges,—half English, half native lawyers,—would not be competent to place in a clear light before a Jury the legal bearings of a case, and to sift the evidence with acuteness, must be manifest to all. How qualified would they be to expose the fallacious arguments and flimsy pretences of the lawyers! What faith would a Jury place in the summing up of such men! The English magistrate, of ordinary abilities, who has sat upon the bench three years, possesses a better acquaintance with the spirit and maxims of English law, than the majority of these men do. Yet has the English Constitution delegated to such magistrates power to sentence Englishmen to transportation for life?

Then, again, look at the servile dependence of these Judges on the Indian Government! They may be removed from office, and disgraced at the pleasure of their superiors. Thus, a fellow-countryman, charged with any political offence, with any offence connected in the remotest degree with opposition to the powers that be, would be precluded from the chance of a fair trial. As the Jury has no absolute controlling power, and but little independence, these Judges may obtain a

verdict of guilty, and transport the prisoner for life, with the greatest facility. If they did not promote the wishes of the Government, they would injure their temporal interests. And it is well known that, under such trying circumstances, the conscience and heart of a Jeffreys would not be necessary to make a Judge unjust. These Judges will suffer no qualms of conscience in thus disposing of the enemies of the Government; for self-preservation is the first law of nature.

Amongst the many points of difference between the spirit of English legislation and that of the Indian, nothing is more striking than the diversity of the judicial character. A judge should not possess any previous knowledge of the prisoner placed before him, for it is not easy to divest ourselves of prior impressions. In England, in addition to the protection afforded by a jury, the prisoner is secured against any such contingencies. The Justices travel the various circuits in turn, and thus seldom fall in with prisoners, of whom they have had any previous knowledge.

Now, look at the nature of the Company's Judges: they are stationary in a district for years. Indeed, it is not of unfrequent occurrence to see them presiding over the same district for ten years. There are but few Englishmen in India scattered over the country. Some are engaged in salt and indigo speculations; some retired pensioners of the Government. The Judge, together with his subordinate, must be brought into frequent contact with those

living in his district. He knows them for good or for bad. He conceives a liking or aversion for them. Well, picture to yourself the indigo planter, known to be obnoxious to the Judge, or hated by his native neighbours, brought up on a false accusation and placed before that Judge in the felon's dock. Two native witnesses give false evidence against him. The Judge finds him guilty (we use this phrase advisedly), and sends him across the seas. But has not this unfortunate man any chance of redress? An appeal lies to the Company's senior Court, but not to the Supreme Court. Thus, Englishmen may be shipped off without any hope of protection from the law of England. It is a notorious fact that the *Sudder* or chief native Court confirms the decisions of the inferior Courts, as a mere matter of form, without minute inquiries. The work committed to it is so arduous, and the indolence induced by the climate so great, that it can take but a cursory glance of the innumerable records placed before it. That this Court would confirm a sentence against an Englishman with the same indifference that it sentences a native to work on the road for life, we well know. How un-English some men become in their feelings after a sojourn of any length in India, is incredible.

It may be expedient that we should trace the career of these men, who find themselves by appointment compelled to interpret the difficulties of English law, and to give judicial decisions affect-

ing even the liberty and property of their countrymen. They go through a certain course of reading at Haylebury College, when their attention is directed to the acquisition of the native languages, Arabic, Persian, Oordoo, Bengalee, Sanscrit, and should-be-afraid to say what other languages. They are shipped off to Calcutta, where they qualify themselves for the public service at the College there, by passing a prescribed examination in the native tongues; they are then distributed to the different stations. Some are appointed to the revenue departments, others are placed in the judicial one. The former, as assistants, have little or no power, mix much with the natives, and acquire vast experience before they are called on to exercise any important function. The unbearded goslings, who are launched into the judicial arena, are hastily initiated in the forms and usages of the Courts, are desired to make themselves acquainted with the principles of the native laws, and with scarcely any novitiate are set to preside in the inferior courts. It often happens that the Judge obtains leave of absence for some months. One of these inexperienced fledglings fills his place. That he must have recourse to some one for assistance is obvious. He listens to the interested suggestions of a *sheristadar*,* and becomes the indirect means of the most disgraceful perversion of justice, the abettor of the most barefaced corruptions.

But it is not only the young officers who, through

* Sheristadar is the head native officer of a Court.

ignorance of the laws, apply to native subordinates to guide their decisions in legal questions. Many of the oldest men in the service allow the suggestions of a confidential native-subordinate to influence their judgment, either from necessity or choice. To convey a good idea of the sort of men to whom such important duties are entrusted, we cannot do better than quote a passage from Sir John Malcolm, that great political writer, who was Governor of Bombay. "But how widely different is the situation of an assistant to the magistrate, who instantly begins by being a judge in every case, before he has an opportunity of forming any very general ideas of the nature of the affairs he must daily determine! After a course of practice he may establish rules for his guidance, founded on the uniformity of his own decisions or by other means; but, at starting, he can have had no elements to regulate their principles—every thing is necessarily new and strange to him, from a want of any previous familiarity with the propensities and peculiarities of the people. To begin, then, by first deciding and afterwards learning the matter, is surely preposterous."

If it should be ordered that the English law be administered to English born subjects, instead of the Mahomedan code, what nice interpreters of it these young gentlemen will make! That they will break through the most complicate technicalities and purify the muddy stream of justice, we do

not doubt! That they will direct the weak judgment of sapient jurors aright (when they summon a jury) is very likely! That they will unravel the subtleties and overrule the opinions of the oldest lawyers, is to be expected! All this and much more they will no doubt accomplish!

If it be expected that the civil servant should add to his knowledge of the native languages and of the Mahomedan laws and forms such an acquaintance with the English law, as to be capable of determining difficult legal questions, enviable indeed will be his position! Rather than submit to such onerous duties, we would undertake the care of the Duke of Beaufort's wines. To allot high wages to such a labourer is as necessary as to give extra pay to the engineers and stokers of the Peninsular and Oriental Steamers on the Indian side, where the thermometer ranges to 120° or thereabouts.

It appears that many members of the civil service urge strong objections to these acts, and hold them in as thorough detestation as any indigo planter does. They see the prospect of their labours being very materially increased without any proportionate advantages; they dread the odium and suspicion with which they will be regarded by their humbler fellow-countrymen. They view with alarm the probability of the influx of lynx-eyed lawyers into their Courts, who will be on the watch to detect and expose any abuse or technical

informalities. The Judge must keep awake, when the discussion of the case of Roe and Doe is before the Court. If cheroots and brandy and water have a soporific effect upon him, he must curtail his usual allowance. Again, if the Judges may indulge in these luxuries in open Court, why may not the Oily Gammons and the Sampson Brasses? Unless the Court is to become a pot-house, the Judge must sacrifice his darling habits to *decorum*. The undignified squabbles, which will daily arise between him and the accomplished lawyers, will tend to diminish the respect with which the natives regard him. How the white of the Omlah, or native barrister's eye will turn up, when he hears the Counsellor Sahib flatly contradicting the *Huzoor* or Judge!

All these, and many other considerations, induce a large section of these men to view with serious apprehension the introduction of this new system. On the other hand, many short-sighted men, puffed up with conceit, see only an addition to their own importance. They revel in the idea of becoming a Judicial oligarchy,—Indian Ephori, to whom all must bend the knee. It must become the object of all members of the Indian society, whether military men or indigo planters, to conciliate the goodwill of these important personages. No one knows how soon he may stand arraigned before the very man, in whose society he passed the previous night, on a charge affecting his liberty

and honour. Prior to these enactments, civilians (by this title are designated the civil officers of the Company) and military men walked in society on an almost equal footing. The one had nothing to fear from the other. But now the aspect of affairs is so changed that if an English officer stray out of cantonment, on a shooting excursion, and unintentionally hit a native instead of a bird, he will be immediately arrested by a native official, dragged to prison, and kept there till a magistrate calls on the case. Native witnesses, the friends of the wounded man in the rage of grief, will declare the act wilful and malicious, and the accused stand a fair chance of being sent across the dark waters.

This leads us to consider the state of feeling of natives towards Englishmen. The Indian Government is despotic, and holds the country by the bayonet. The natives look on all Englishmen as interlopers and enemies, as dirty infidels, and are very apt to impute to malice what is really unintentional. Where such national antipathy and suspicion exist, how unfair is it to attach equal credit to the statement on oath of the conquered infidel with that of the Christian conqueror. Such feelings must militate against our fellow countrymen in Indian Courts of Justice. To pit the word of the native against that of the Englishman, the oath taken on the *Koran* or *Shasters**

* The Shasters are the Scriptures of the Hindoos.

against that taken on the Christian Bible, is as absurd as to attempt to make mortal things immortal.

That we do not exaggerate the extent and effects of the animosity of the natives towards us, may be illustrated by the following quotation from "The Friend of India," a paper in the interests of the Indian Government. "The Europeans, scattered through the country, are almost entirely engaged in undertakings which bring them into collision with the native landholders, and a feeling of hostility has thus sprung up between them, which has, in no small degree, aggravated those national antipathies which the natives entertain towards us as strangers in creed and lineage, and as the predominant race in their own land." That members of the civil service are as apt to imbibe prejudices and to give way to violent impulses and bad passions, as all the other weak vessels of humanity, shall be demonstrated.

The principal performer in the act of egregious tyranny to be now related to you, is a civil officer of long standing, held in such high estimation by the Indian services, that he is designated the "Saint." As the evening star stands out prominently in the heavens, so did this paragon of holiness shine conspicuous amongst his sublunary neighbours. But we shall see that the high principles and unstinting charity, for which he was so notorious, did not restrain him from illegal and

cruel acts, in a moment of anger. There was an indigo planter of the highest respectability, possessed of an ample fortune, named Cruise, who was so unfortunate as to incur the displeasure of this Judge, "Saint" Pringle. We will now allow the sufferer to detail the wrongs to which he was subjected, the way in which humanity was outraged, and defiance hurled at the constitutional rights of Englishmen in his person, as he related them to a meeting of British born subjects, convened at Calcutta, to petition against the gross encroachment on their liberty contemplated by these Acts. And reader, mark you! all this took place before our fellow countrymen were placed under the jurisdiction of the native Courts.

"Mr.. R Cruise now rose to address the meeting.—Gentlemen, I am invited by some of my friends to address this meeting. I may well say I am unaccustomed to public speaking, for I never addressed a public meeting in my life; neither my position in life, nor my acquirements, nor my nerves, fit me for such an exhibition, but because I owe it to that palladium of British liberty—her Majesty's Supreme Court, that I stand among you this day a free man, instead of being a convict sentenced to work in irons upon the roads for the next seven or fourteen years of my life, I will not be unfaithful to that glorious privilege to which I and all of us are so deeply indebted, and which it is the intention of these atrocious acts to take away from us. Gentlemen, the last speaker (Mr. Peterson) has alluded to the manner in which a Mofussil Judge and Magistrate sought lately to stifle the voice of liberty with punkah ropes and gag. You have all of you lately heard the history of a gentleman whom the Judge and Magistrate of a Mofussil station caused to be tied up with ropes, gagged,

sent to jail, and otherwise outraged and insulted ; and whose life was even exposed to the order given by that Judge to his myrmidons—" Kill, fire upon him ; if you destroy life it is not of the slightest consequence." (Loud cries of Name—Name. Some gentleman got up and named Mr. Pringle.) By many this too true story has been regarded as a fiction, and is pronounced to be utterly incredible. Gentlemen, it is incredible ; but it is not a fiction—it is a fact. I am the man who was thus outraged, and if I come forward to tell you the particulars, I earnestly request that it may not be supposed that I am appealing to your sympathies. I protest against being so misunderstood. Neither is it that I desire that the misconduct of one or two individuals should be suffered to weigh any thing against the high character of the Civil Service generally, to which I willingly bear the tribute of my humble testimony ; but I wish to shew you how, even under the present system of Mofussil Government, good as it is in comparison of that which is being prepared for us, a British subject should have been exposed to such indignities and injuries, *and be utterly unable to obtain any redress.* Gentlemen, this time last year I entertained a large family circle in the station at Purneah, in which I had been living for several years in a manner retired from any active participation in business, and endeavouring to make it the principle of my life to offend no man, to injure no man. I was on intimate terms with the Civil servants ; I may say they pestered me with their society, I never sought theirs. Circumstances over which I had no control brought me into collision with them. It became my duty to throw myself into the waves, and to attempt to stem a tide of tyranny and of corruption, and I have been swept away into an ocean of troubles. I hold in my hand the copy of a summons addressed to me by one of those Boy Magistrates, of whom we have all heard so much, and which in itself would be nothing singular, were it not that you will presently find a Judge, a Civil servant of twenty years standing, approving of its tenor and substance. I am sorry I cannot produce the original of this summons, which is filed in the Court of Sudder Nizamut Adawlut, for it is a curiosity. It

is a printed summons in the usual form of such, but all the printed substance of the summons is scratched out, and interlined in the Magistrate's own hand-writing in the following malicious nonsense :—

“ ‘ Summons.

“ TO RICHARD CRUISE, Esq.,

“ *Inhabitant of Purneah.*

“ Whereas I have been directed by the Sessions Judge of this district to take your *defence in the matter of a letter written by Mr. J. C. Johnson*, dated the 5th ultimo, to my address, *you being his legal adviser, and the said letter containing some improper remarks*, you are hereby required to appear before me *in person* [even the words, by Mooktear or Agent, are scratched out], on Monday, the 7th instant, at 9 o'clock in the forenoon, *to answer to the said charge.* Herein fail not. Dated the 5th of May, 1849.

(Signed)

“ ‘ E. S. PEARSON,

“ ‘ *Magistrate.*’ ”

“ There, gentlemen, is a summons addressed by a Mofussil Magistrate to a British subject. I certainly consider this summons to be a curiosity, and accordingly I determined to retain it for my future justification in refusing to obey it, which I declined to do in the following words annexed to a verbatim copy of it, in my acknowledgment of the same :—

“ ‘ Whereas the above summons is irregular, illegal, and in all respects extremely improper, I refuse to obey it.’

“ The Magistrate now endeavoured to get back the original summons, and with this view refused to receive my acknowledgment of it, which his burkundaze, after having been sent back to my house three times, finally threw in my compound, in defiance of my prohibition, and then ran away. Gentlemen, I walked out of my house in the dishabille in which I was sitting, picked up the acknowledgment or receipt of the summons, walked over to the Magistrate's house, and threw it in at the verandah. As I returned home I was pursued and assaulted by his order, by his

peons, sepoy, and others, and, in the scuffle which ensued, I wrested a musket and bayonet out of the hands of one of the Sepoys, who had presented the same at my breast, and made good my way home. I immediately appealed for protection to the Judge, but that gentleman could see no cause for his interference, and, with reference to the summons, thus replied to me—
‘There is nothing whatever in the summons issued by the Magistrate, a copy of which you submit for my inspection, to call for my interference on the occasion.’

“Accordingly I waited upon him, and in the presence of two other gentlemen gave him a letter in which was this notice—
‘That I was at all times ready to obey any and every legal order issuing from any competent Court, high or low, but that I would not submit to any illegal violence or outrage, or without sufficient warrant, place myself in the power of the Magistrate either to insult or to injure me.’ (As, gentlemen, he had already done when attending in his cutcherry, where for doing my duty he had fined me, and caused me to be detained in custody, and pushed and shoved about by his sepoy.) *That as the Judge refused to protect me from illegal and extra-judicial assault, I would avail myself of my right as a British subject to carry arms for self-defence, and that I would not obey any warrant affecting my personal liberty and safety, which in its form or substance was illegal, as was the summons of which I had sent him a copy, and which, gentlemen, I have just read to you.*
 After having given this notice I carried arms for self-defence, every one knew it. I carried them when I went to the Court; I carried them when I went to the Church. On the 10th of May I was obliged formally to withdraw a case of appeal pending in the Judge’s Court, in which I was the agent of the appellant, to protest against the Judge’s misconduct, and to give notice that I would make a representation to Government on the subject. On the 11th, I attended again in his Court to advise and protect a poor man who sought to prefer a complaint against both the Magistrates, one of whom had in the night time forcibly entered into his house, assaulted him, and committed other outrages of a

grievous character. It was well known that this petition would be presented, but the unfortunate sufferer did not dare to present it without the aid and protection of some one whose position might ensure respect. He applied to me for that aid and protection, and I freely rendered it. I went to Court that day, attended by two other Christian gentlemen, as witnesses of what might occur; and attended by four orderly peons, and no more, who as usual in the Mofussil, carried four swords, which on reaching the Court-house they put up into my buggy; and I beg to inform you that all persons of my condition in life usually go about much more numerously attended. The injured man presented his petition; the Judge asked him what it was about, I advised him not to tell, but to request that it might be read. The Judge ordered it to be given back, to have an abstract made of it, *as he pretended, according to custom*. The man put out his hand to take it back, when I quietly put my hand on his arm, and advised him not to take it back, but to follow my advice in everything. — Let Mr. Cruise, said the Judge, be fined 25 rupees. For what, Sir, said I, have you fined me? Whereupon, without answering my question, he coolly dictated to his Omlah the following falsehood—‘Whereas, a certain man presented a petition, and it was ordered that it be given back to him, to have an abstract made of it, according to custom, and it was given back. *Whereupon, Mr. Cruise snatching the petition out of the hand of the man, threw it down in the face of the Presence.*’ *Huzoor ka somne men feuk-dia*. I observed to him that I did not do that, but he persisted in coolly dictating the lie, which every one in Court knew to be a lie, in the presence of the two other gentlemen who had accompanied me, and numerous other witnesses of the scene. I then said to him—*Let not the Presence write that which is false*. Whereupon, *dashing back his chair, rising up, and striking the table with his clenched fist*, he said—‘*Let Mr. Cruise be fined 50 rupees, and if he does not pay it, let him be sent to jail for 20 days.*’ I said quietly that I would not pay the fine, and turned to leave the catcherry. Now, gentlemen, I must tell you the law. By the act under which he pretended to fine me for a con-

tempt of Court he was not empowered to levy that fine himself, either summarily, or even by process, or in any other way. *He was bound to have applied to the magistrate to levy the fine ; and it is a general law that all fines are leviable in the first instance by distress and sale of property.* Disregarding the law, or even the decency of a process, he roared out to his myrmidons to *puckerlao* me, and before I could get out of the Court, a dozen or more Mahomedan burkundazes, convicts, and others, threw themselves on me, and dragged me back into his presence ! He *instantly ordered me to be tied up*, and as there were no ropes at hand, he ordered the punkah ropes to be cut, and with these I was bound. An officious retainer then asked him what was to be done with the other two gentlemen, when he ordered—*puckerlao* them too ; and accordingly they, and one of my peons, were immediately seized, and all tied up together in a bunch with the same ropes, and kept in the veranda. I was honoured with a separate rope to myself, but they were amenable to Mofussil law, and were treated accordingly. I then gave notice to the Judge that in my two pockets were two small pistols, and requested that they might be taken out. He does not deny this, he admits it in his robookaree. The pistols were taken out of my pockets by his order ; they were a pair of playthings that would not have hurt a child, but they were sufficient to deter a Mahomedan burkundaze from assaulting me, and I carried them with that intention only—but it is pretended that *I went to Court to shoot the Judge with them.* Gentlemen, it now became necessary to *justify* all this outrage, to *which not the slightest resistance had been offered* ; accordingly my palankeen and buggy were searched, the arms found in them were brought into the Court. The Judge ordered all the doors to be shut, caused a great uproar to be made, sent off to the jail, which is a quarter of a mile off, for a company of sepoy to quell the pretended affray ; and, to give due solemnity to that scene which was to follow, despatched a letter to his friend the Magistrate to come forthwith, and lend at the same time his presence. When that gentleman arrived, he and the Judge seated themselves on the *ijlas*, or tribunal of jus-

tice, and the robookaree, in which it was stated, that I had snatched the petition out of the hand of the petitioner, and thrown it down in the face of the Presence, was read aloud. I declared that this was false. The Judge ordered me to be silent. Another falsehood followed. I declared again that that also was false, whereupon the Judge, rising up out of his chair, again ordered me to be silent. I replied that I would not be silent, when he said with vehement rage—If you will not be silent, *I will order you to be gagged*. To which I replied—*You would order me to be crucified, if you dared*. ‘Gag him,’ said he to his burkundazes, gnashing his teeth with rage, and immediately a dhotee or cloth was thrust into my mouth, and wound round my throat, and tightened till I was nearly strangled. Yes, gentlemen, you may well be horrified, and many of you will think that I am exaggerating; few will believe these things. Mr. Pringle (he had been named by some one in the assembly) is a saint! He subscribes to Bible Societies, and Anti-Popery institutions, and with a few rupees judiciously expended in ostentatious charity, cheaply purchases for himself a reputation which enables him to do these and worse things with impunity, and wherever his name is mentioned, arises the cry—Impossible! incredible! Mr. Pringle do such things! *we know him to be a God-like man*—and thus hypocrisy triumphs. But, gentlemen, I have not exaggerated, I am utterly unable to describe his conduct in anything like its aggravating features, and all this that I have told you he confesses in his own robookaree, and attempts to justify that he caused me to be bound with ropes, gagged, and sent to prison—and even that he gave the order to his satellites to fire upon and kill unoffending people is confessed in his own robookaree, in which he coolly records these things as matter of fact of every day occurrence, and pretends to justify them. I was kept for nearly two hours gagged in this manner, not permitted to open my lips, or speak a single word, with my face twisted away up to the ceiling, a Mahomedan burkundaze holding the ends of the dhotee, and giving it an additional wrench for the purpose of silencing me whenever I attempted to open my mouth. The Sheriff of the Court and four Mahomedan burkun-

dazes were then brought forward to swear something against me. I will however do them the justice to say that they swore nothing against me, for they had not yet been sufficiently instructed, and they only swore against the Judge, how I had been seized, fined, tied up, &c. *They did not accuse me of any offence whatever, but it was all the same. They were supposed to have sworn against me, and when their so-called depositions were concluded, I was directed to find bail in the amount of five thousand rupees, that I would attend at any future time when summoned, to answer to any charge which might thereafter be preferred against me, and to find security in a similar amount to keep the peace to all her Majesty's subjects. I put in a protest against the jurisdiction of these gentlemen, written hastily with a pencil on the leaf of a pocket book, declaring myself a British subject, and claiming the protection of the Supreme Court! They pushed it away, and would neither receive nor record it. I tendered bail upon the spot; they refused it, and declaring that it was now late in the day at noon, and that the case must be adjourned, got into their buggy, and drove home together to breakfast, leaving us at the Court-house in custody of the Nazir or Sheriff, under a guard of sepoy's. I soon procured and tendered to the Sheriff other good sufficient bail, and deposit of Company's Paper, but that Sheriff could do nothing without consulting his master, and went off to know that master's pleasure. We were detained all day in the veranda of the Court-house, and about sunset I was marched down towards the Magistrate's house, where at a little distance outside his compound I waited, while my mooktears attended upon him to receive the necessary bonds for signature and execution. My fellow-prisoners were most unanimously marched off to jail, for they were unfortunately East Indians, and amenable to Mahomedan law. As the sun was setting, the Magistrate delivered the bonds to my mooktear, who immediately brought them to me, and along with them the Magistrate's pen and ink. I executed them instantly, and endorsed 5000 rupees Company's Paper in his name, for whereas only 2000 were necessary for my release, I hoped to redeem my companions also from imprisonment!* The mooktear

took back the deeds and money to the Magistrate, *who observed that the sun had set, that it was now after hours, that it was entirely discretionary with him to receive these security bonds, the earlier execution of which had only been prevented by his own impudent delay ; that he would not receive them, and that I must go to jail for the night, and to jail I was accordingly conducted.* We remained that night in jail, and in the following day, the 12th, we were brought up and bailed, the Magistrate doing everything in his power to hinder the release. The condition of the bail, however, still required me to attend to answer *any charge which might thereafter be preferred against me ; for as yet, gentlemen, the charge had not been concocted, and it is not settled even to this day.* Thus we were at last released from thralldom. According to the condition of the bail, we attended in the Court on the 14th, to hear what this charge was to be, and to make answer to it. We went, attended by a number of gentlemen, many of whom were British subjects. The first thing the Magistrate did, was to *compel us to stand in the felon's dock*, a small space a few inches wide, and a few feet long, allotted for the safe custody of murderers, and dacoits, and criminals of the worst description, and most desperate characters. I remonstrated, and reminded the Magistrate that we were neither *prisoners, nor as yet charged with any offence.* ‘*You shall stand, Sir,*’ said he, ‘*where the Court orders you.*’ We entered, and when we had thus been sufficiently disgraced, I and another gentleman, a respectable proprietor of an Indigo concern in the district, were, after a little time, permitted to leave the dock, and accommodated with chairs ; the other two, being not accounted *sufficiently respectable*, were obliged to remain in it.

“The deposition which had been made on the 11th was now read to us, and I was asked *if I had any thing to say to the charge.* I demanded to know *what it was.* The Magistrate *had not time*, he said, *to argue with me.* *Had I any thing to say to the charge ?* *What was it ?* I again demanded. The Magistrate, pretending to be surprised, told me I had heard the depositions. I said—Yes, the witnesses had sworn that I was fined, seized, tied up with

ropes and otherwise maltreated, *but what crime had I committed? What was the charge?* Oh! the Magistrate's question was a very simple one, and required a simple answer—Yes or no! I contended that it was not a very simple question, inasmuch as it implied that there was a charge which I utterly denied. If there was—what was it? *Murder, or robbery, or assault, or what?* Well, Mr. Cruise, said the Magistrate, if you will not reply to my question, *I shall take down that you have nothing to say to the charge.* Sir, said I, you can record that falsehood if you choose; but you ought rather to take down that Mr. Cruise, on being asked what he had to say to the charge, *demande to know what it was, and the Magistrate would not tell me.* Gentlemen, he recorded, *that I had nothing to say to the charges, and that I declined to answer.* I read aloud a protest against his jurisdiction; he would neither receive nor record it. He then turned to Mr. Babonau, another of the pretended defendants, and asked him what *he* had to say to the charge? I advised Mr. Babonau to ask what it was, whereupon the *Magistrate ordered me to be silent.* I asked if I was not to be permitted to advise Mr. Babonau how to defend himself. *Certainly not,* Sir, said the Magistrate, and Mr. Babonau thus ensnared, admitted that there was a charge, by declaring that he was not guilty of it, *whereas there really was no charge at all.* A bundle of depositions of some fifteen or twenty Mahomedan burkundazes taken, *when, where, or by whom none of us knew,* was then taken up from the table, and the depositions were read aloud, *the supposed deposer standing by with a piece of wood in his hand, which is termed the oath;* and with so little regard to decency was even this ceremony conducted, *that I pointed out to the Magistrate, a Hindoo swearing to the text of the Koran in his hand.* Gentlemen, *these depositions were not taken in our presence,* and we do not—as I have said, know *when, where, or by whom, they were taken, they were only read to us.* From among all the respectable persons who were present in the Judge's Court on the 11th, not one was brought forward as a witness, but fifteen or twenty of the burkundazes and convicts, creatures entirely dependent upon him,

were brought forward to swear falsely that Mr. Cruise had a large body of armed men at the Judge's Court on the 11th of May *ready to make an affray*, for whereas there had been no breach of the peace, *ready to do was held to be synonymous with to do, by these gentlemen*. When these depositions had been read, the Magistrate read aloud from a paper *which he had prepared before he came into Court, and which a gentleman present read over his shoulder while he held it in his hand, that now the case assumed a much more serious aspect than before*, and that therefore it was necessary that *we should give hereafter bail for our attendance, and be bound down in heavier security to keep the peace*, and accordingly he extorted from me *bail for attendance in the amount of 8,000 rupees, and security to keep the peace in an amount of 10,000 rupees*, the alternative being to be sent to jail, and if I had not been able to give this bail and security on the instant (and the Magistrate did all in his power to render the matter difficult,) *to jail I must have gone*. Well, gentlemen, I gave the securities required, and as no excuse remained for detaining me, I was released. We were summoned again on this very bail two days afterwards, viz. on the 16th. On this day, by way of giving veri-similitude to the false charges which were being, or to be preferred against me, fifteen or twenty Moodes and Ghatwars were brought forward to swear that on a certain day, viz. the day on which the Magistrate had caused me to be assaulted by the Sepoys, I had a large body of West-country peons at my house. *The Moodes all knew it because these peons dealt with them for food, and the Ghatwars because they had crossed at their ghats—the ghats being all dry at that season of the year, and not a single ghat between my factories and the station*. Well, gentlemen, this was all *a tissue of the most impudent perjury, and of course suborned*. Nay, so impudent and desperate was it, and so easy of disproof, and of being manifested as perjury, that *it was not considered safe to retain those depositions along with the other proceedings, and they have been made away with*, so that I have been unable to obtain copies of any of them, (as indeed when I arrived in Cal-

cutta in the month of September, for the purpose of laying my complaint before the Government, I had been unable to obtain copies of any of the proceedings, so that it was impossible for me to take the necessary steps for obtaining redress. *Copies of all these atrocious proceedings were invariably denied to my repeated application.* I was then called upon to reply to the charge of *having forcibly and outrageously wrested the musket and bayonet out of the hands of the Magistrate's sepoy, who assaulted me with the same on the 5th of May.* I replied that the summons served on me in that matter had directed me to appear in person, or by mooktear; that therefore I would appear and make answer by mooktear. The Magistrate looked at the summons, and seeing that it was as I had represented, extricated himself from the difficulty, which presented an obstacle to his evil purpose, by a deliberate falsehood.

“Whereas, said he, your mooktear did not appear on the day named in the summons, that indulgence is now withdrawn. Sir, said I, the mooktears attended; they are here present let them be examined. Mr. Cruise, said the Magistrate, what have you to say to the charge? Sir, said I, my mooktears attended on the day named in your summons, and you did not call on the case; let them be examined. He replied, what have you to say to the charge? Wearied and disgusted with this mockery of justice, which he was not ashamed to exhibit before a number of gentlemen, witnesses of his impudence, I replied—Sir, I accuse you of having suborned those false witnesses who have sworn that I went to your house accompanied by seven or eight men, you *yourself being perfectly cognizant of the whole transaction, as you stood in your veranda and directed the assault upon me.* Here the Magistrate interrupted me, to inform me *that it was not necessary that I should defend myself, as I was not to be tried in his Court, but in the Supreme Court.* I agreed, therefore, to reserve my defence for that Court, and the Magistrate having recorded that I declined to defend myself before him, said,—Now, Mr. Cruise, I require you to surrender that musket and bayonet. It is distinctly proved that you have taken the same, and that they

are the property of the Government ! Sir, said I, it is only this instant that you told me that I was not to be tried in this Court, and how do you say that any thing is proved ? Will you, said he, surrender them or not ? I demanded permission to go to my house. Certainly not, said the magistrate. Then, said I, you require an impossibility ! He said that if I did not instantly surrender the musket and bayonet he would have my house searched. I told him to do as he pleased, and accordingly, gentlemen, by his order the Darogah, accompanied by a body of burkundazes, and a guard of sepoys with muskets and fixed bayonets marched into, and through my house, where were my wife and ladies of my family, and carried off the glorious prize, while I and all the gentlemen who accompanied me were detained in Court ; the Magistrate paying no more regard to them, and being no more checked in his impudence by their presence, than if they had been so many cabbages. Having achieved this glorious triumph, he again released us, and the proceedings were all sent, or it was pretended that they were all sent to Calcutta, either to the Court of Sudder Nizamut Adawlut, or to the Advocate-General for his opinion. I have charged Messrs. Pringle and Pearson with having conspired to deprive me of my rights and privileges as a British subject, and of the protection of the Supreme Court, and that with this intent they made false representations to the Advocate-General for the purpose of eliciting from that officer an opinion which they might construe or pervert into an authority warranting them to try me themselves ; and I have reason to believe that they obtained some such opinion ; when after we had been detained in attendance for some two months, these papers or proceedings were sent back from Calcutta. In order in the first place to obtain possession of my person before making known his intentions in regard of me, he summoned me on my recognizances to attend, and my sureties on their bail bonds to produce me, for the purpose, as he pretended, of making known to me the orders of the Sudder Nizamut Adawlut in respect of me, and declared that if within five days I did not attend, the bail should be forfeited, and no excuse should be listened to. Gentlemen, it was a

gross falsehood, there were no orders of the Sudder in respect of us at all; it was a mere pretence to enable him to get possession of my person, before attempting to carry out his scheme of villany, and treat me as one amenable to his Court. I refused to attend, challenged him to levy the bail, and set him at defiance. Gentlemen, finding his plot break down, instead of declaring the bail forfeited as he had threatened to do, he released me from it, held an *ex-parte* proceeding, in which he fined me 500 Rs. for the grave offence of forcibly depriving his sepoy of the musket and bayonet, with which by his, the Magistrate's, orders the said sepoy had assaulted me on the 5th of May, plundered my property in order to levy the ridiculous fine, and finding it inconvenient to deal with the other case of pretended *affray in the Judge's Court on the 11th of May, transferred the whole of those infamous proceedings which he, as a Justice of peace, had held in respect of me, a British subject, after having kept me for two months in attendance on bail to the amount of 8,000 Rs.*, to his friend and fellow-conspirator Mr. Pringle, the Judge, who in order that he might deal with it as a civil case, termed the charge a case of resistance of process, held an *ex-parte* proceeding on the infamous proceeding of the Magistrate, and during my absence in Calcutta, fined me 500 Rs. for pretended resistance of a process which never was issued. Gentlemen, it is late, and I will not trouble you any further; if I should detail to you all that I know of the incompetence, malice, injustice, and corruption of the Mofussil Courts, I should trespass on your time, and occupy your attention till this time to-morrow—do I say till this time to-morrow, I should have said till this time next week; but I have told you these things that you may draw your own inference from this fact, that I have now been four months in Calcutta, and that as yet I have been unable to obtain any redress; while in the mean time these gentlemen, whom I am prosecuting here, are permitted to sit in judgment on me, on my property and servants, and on all connected with me, and have made good use of the opportunities of revenge thus afforded to them. My servants are all in jail, or fugitives from a reign of terror, from which nothing in an

way connected with me is safe, and my property, to the amount of 2½ lakhs of rupees, is all under illegal attachment on the most impudently false and malicious pretences, while on the other hand my prosecutors are allowed unrestricted access to all those matters, papers, and exhibits, which I have filed, or to which I have appealed in support of my charges of official misconduct and corruption; and as I have told you, though I have been four months in Calcutta, I am utterly unable to obtain either protection or redress."

When it is remembered that this infamous case occurred under the old system, while Englishmen were in the enjoyment of trial by English law in the Supreme Court, and that, up to this time, the unfortunate gentleman has obtained no redress, apprehensions may reasonably be entertained as to the effects of these odious enactments. That Englishmen will be removed out of the pale of legal protection, and placed at the mercy of liver-faced judges and lying natives, is as certain as that parallel lines do not meet. Now these abominable measures have passed into law, we maintain it is the duty of Government to direct its attention immediately to the subject of perjury. This offence, so subversive of society, pervades the whole Indian population. The promptitude with which a native will swear away the life or property of another from pecuniary or vindictive motives, is well known. How little compunction he will feel in preferring false accusations against a *Feringhee*, a dirty Christian, to gratify revenge or avarice, every one acquainted with the native character

can testify. To commit perjury while preferring a false accusation against a dirty dog of an Englishman—to accuse him of adultery after spitting upon his pork—will be accounted meritorious—aye, fine fun in the eyes of a Mahomedan cook. The greater the number of pig-eating heretics he transports out of the country, the more exalted will be his heaven! The extirpation of this abominable vice should have been preliminary to the enactment of these measures. The honest Englishman himself, so much above board, and taught by Christianity to set a proper value on truth, should be protected against such atrocious villany. He whose reputation for truth is proverbial is to stand before a legislative tribunal on equal terms with a race of notorious liars; yes, liars of the vilest stamp, who, restrained by no obligation of religion, will swear away another's life for a rupee. Surely, under Anglo-African Governments, the oath of an Englishman—a Christian—has more credit than that of a low negro, unenlightened by education, and ignorant of both divine and human laws.

Some maintain that, to elevate the character of Native Courts and menials, the best course is, to make Englishmen subject to them, to intermingle the two races, to set before their view honesty and high principle in their native genuineness; in short, to effect improvement by the force of English example. But, alas! how many Englishmen will be deprived of their property, and sent to Singa-

pore to work in chains, before one iota of improvement be achieved ! Honesty is no match for fraud backed by authority. It is the bounden duty, therefore, of Government, we reiterate, to extirpate this heinous crime of perjury by the most stringent measures. All those who may be convicted of malicious perjury in cases affecting the life, liberty, or property of Englishmen, should be menaced with death. At the least, those perjuring themselves in the trial of Englishmen for a criminal offence, should, on conviction, receive the punishment which would have been awarded to the prisoner, had he been found guilty.

By the Mahomedan law, perjury, whether malicious or not, is visited by the punishment of nine years' imprisonment. But this punishment is by no means commensurate with the enormity of the vice. If a man swears on solemn oath that he saw another commit murder (such a statement being contrary to fact), and is thus the cause of the prisoner's being hanged, surely he is deserving of a greater measure of punishment than a few years' imprisonment. In our opinion, such a perjurer should be hanged, and, before life be extinct, his entrails cut out and burnt. The most exquisite tortures should be inflicted on such enemies of society. Sometimes perjury is committed through charitable motives ; but even then it should be punished, for a solemn lie, God being called to witness, even though committed to further the ends of religion,

should be held damnable by all good Christians. Take away two or three stones from the fabric of truth, you endanger the whole edifice. The ancients regarded this offence as most prejudicial to society, and enacted the severest penalties against it. The Romans hurled all men convicted of it down the Tarpeian rock. The Greeks deprived them of their tongues. In Egypt, death was the doom of perjurers. Charles the Great of Lombardy severed off the hand. The English code regards this offence with great leniency; but, thanks to the Mighty Omnipotent! there is no necessity for severe penal statutes against this crime in honest England. But, up to a very recent period, transportation, imprisonment, and standing in the pillory, were awarded to those convicted of perjury by the English laws.

In this one case English law would not suit the Indian community. Violent phases of a disease demand violent remedies. This crime of perjury is as great an attribute of the Indian character as love of ostentation. To expel the vice, therefore, becomes a solemn duty. So interwoven is it with the system pursued in the County Courts, that Judges and Magistrates wittingly and unwittingly suborn perjury every day of their lives. Many of these officers know that there is deception in a proceeding, but despairing of fathoming it, lend the sanction of their authority and name to it. If you were to summon all the civil servants before you, and ask them whether they had ever suborned per-

jury, not twenty would or could answer in the negative. This, so far from being a reflection on them, is testifying to their honesty. They are helpless tools in the hands of consummate ruffians. They would exterminate the villany if they could; but every body and every thing conspire against them.

Every one who has attended the Court of Requests in India, must have been struck with the effrontery with which the natives commit perjury. The Court of Requests is composed of two or three officers in a military station, and investigates all claims for debt against officers, which may be brought before it. It affords great protection to poor natives, the servants of officers; but the privileges afforded by it are frightfully abused. That many officers do not pay their lawful debts, and treat their servants worse than dogs, is certain; but that natives prefer false charges and perjure themselves is equally clear. The Court awards no penalty for perjury, and cannot give even a single stripe to a complainant for contempt of court. And the European labours under this disadvantage, that the officers generally give it against the defendant, and in case of a doubt take it for granted that the native is in the right. In some cases the President, without any inquiry, and merely on his own knowledge of the defendant's character, has given the suit at once in favour of the plaintiff.

This native-befriending spirit may be carried too far. Why is not the Court authorised to inflict

punishment for perjury? Surely this protection to the purse and reputation of an Englishman, whether officer or not, should not be denied him.

Another great defect in the Native Courts is the want of a public prosecutor. In the inferior tribunals the magistrate draws up the charges and conducts the prosecution. He is at once the thief-taker, the public prosecutor, the finder of the verdict (we may say), and the meter out of the punishment. An awful responsibility, eh!

In the higher courts there is a native officer with functions somewhat resembling those of an attorney-general. He is an awful intriguer, and draws up charges against a prisoner as it suits him. If he possess the ear of the judge his fortune is made. The fountain of justice is Pactolian sand to him. Is this a fit man to conduct the prosecution of a British-born subject? Surely there must be a qualified English lawyer attached to each Sessions Court to uphold the interests and perform the business of the Company. But should such an officer be necessary, the Government will add to their expenditure, and thus quash the only reason they can assign for these measures. Indeed many, many changes must be introduced into the Native Courts before they will be competent to give a fair trial to Englishmen.

As the proceedings of these Courts are conducted in the native tongue, the appointment of an interpreter of English will be necessary to each tribu-

nal. These changes will cost money, and we feel certain another Queen's Court, established at Meerut or Agra, in the north of India, on the most complete footing, and even should another Justice be added to the Bengal establishment, would not entail greater expense. To render the Native Courts fit to try our fellow-countrymen, not only a change in the form, but also in the law, is imperatively requisite. If the Government possessed spirit and energy, it would abolish the Mahomedan law, and draw up a legislative code, founded on the broad maxims of English jurisprudence; at the same time keeping in view and respecting, in some slight degree, the strongest prejudices of the Mahomedans. Mutual satisfaction might thus be insured. Instead of wasting time in inquiries into the working of the Calcutta police, when no beneficial results followed painful discoveries, a committee of the most experienced civil servants of the Company, together with the Justices of the Supreme Court, and Mr. Drinkwater Bethune, the legislative member of Council, might have been employed in the framing of such a code. If the Company could not achieve something better than the Mahomedan law, as modified by its regulations, it is not deserving of such extensive possessions. However defective the result of the labour of such a committee, yet one grand thing would be effected, the abolition of those hateful words, Mahomedan Law. The matter of criminal law would not present

many difficulties. The chief difficulty would consist in the adaptation of the civil law of England to Mahomedan customs. Certainly the obstacles here presenting themselves would, at first sight, appear insurmountable; the principles and rules of action in civil life are so different. We would, however, rest content if the improvements and changes did not extend beyond the framing of a criminal code.

If the influence of Her Majesty's Courts is to be restricted, let some code be devised, which will afford satisfaction to both classes alike. The Digest of Justinian or Napoleon's Legislative Code might be taken as the ground-work to build on. Englishmen would be better disposed to yield obedience to such a law, than to that prescribed by the Koran. Mahomedan law! alas! those two words do grate so disagreeably on the ear. It is universally acknowledged, that it is not the severity of the penalty annexed to the commission of a crime, which deters offenders; but the certainty of its infliction. Therefore, unless the Indian Government achieve an improvement in the general working of its judicial system, few beneficial results will ensue from the organization of an English Digest. If you enact a statute, appointing death as the penalty for larceny, and seldom inflict it, because you allow the feelings of humanity to predominate over all others, this offence will be more frequent than if you had originally awarded

a few years imprisonment as the penalty for the offence, and invariably inflicted it.

It is well known that forgery was more common in England when it was punished with death than now. For this reason offenders relied much on the chance of Jurors being merciful, who, when any extenuating circumstances could be adduced, acquitted the prisoner on the score of humanity. Now, owing to the patch-work contradictory character of the Mahomedan law, as modified by the Company's regulations, and to the discretionary power of the Judge, it is difficult to ascertain what is the exact punishment for any offence. Besides, owing to the shameless villany of native writers, who alter depositions and draw up favourable appeals, (as we have shewn) for the slightest pecuniary considerations, offenders indulge the expectation, that they shall escape scathless. This fact itself will account for the gaols being over-stocked, to say nothing of the eagerness of young magistrates to fill their official records with long lists of convictions. It has been well said, that the civil servants of the Company and their subordinates find more work for justice than all the evil propensities of the natives together. We reiterate, that the framing of the best laws will have little or no effect in preventing crime, unless you make the conviction and punishment of a criminal certain. If you leave but one loop-hole through which a prisoner flatters himself he may escape, the adven-

turous will surely run the chance. Though there are ninety-nine chances to one that a man, if he ventures his head in the lion's mouth, will lose it, yet to earn a livelihood, he will risk it.

If the sole object of the Government, in passing these enactments, had been to remove the inconvenience entailed by the removal of prisoners all the distance from the North of India to Calcutta, we wonder that it did not occur to it, that a circuit might be made by one of Her Majesty's Justices. It is certainly strange that the Government, before it took such a dangerous step, as to abrogate rights ensured by the House of Commons to Englishmen living in India, did not hit upon such a simple expedient as that we now suggest. This scheme has the recommendation of common sense, and would not entail greater expense on the Company than the changes and improvements in the Native Courts, which must follow the introduction of these measures.

The Supreme Court establishment at Calcutta consists of a Chief Justice and two Justices. There are inferior officers to preside over the inferior Courts, such as Commissioners. That these men are not oppressed with very arduous duties and are not incessantly engaged, may be inferred from the fact, that they are seldom all in Calcutta at the same time. It frequently happens that Sir Lawrence Peel or the others take a trip of recreation to Ceylon or the Upper Provinces.

The Chief Justice of Bombay, Sir Erskine Parry, is the most notorious traveller and tiger-hunter in India. Why should not one of these Justices receive directions to proceed half-yearly to Meerut, and hold assizes there. Let the reader look at his map of India; he will find this cantonment would form a very good site for the Northern Supreme Court. It would be easy of access from all points, and is on the grand road to the Punjaub. If Meerut be not approved of, take Agra, the seat of the Deputy-Governor of the North-west Provinces. A jury of twelve respectable Englishmen might be empanelled, capable of delivering a sensible verdict. These large cantonments contain several English shopkeepers, and the neighbourhood can boast of many white agriculturists. Meerut and Agra combined would afford a panel, which would admit of the most desperate challenging. A large *bungalow* might be hired for the administration of justice at a trifling cost, even if the Government did not erect a capacious Court House. Barristers and attorneys would flock up from Calcutta in the Judge's wake, and circulate money. An interpreter of Hindostanee, to examine native witnesses, would be necessary in such a Court. To render the organization of the tribunal complete, a public prosecutor might be appointed for the Northern Circuit, if the Attorney-General from Calcutta could not be spared. Even though the appointment of another Justice were involved in this question, of

which, however, we see no need, the Government, if it were alive to its own interest, would incur this expense, rather than alienate the affections of all Englishmen in India. It may be questioned whether these expenses would outweigh the cost of the appointment of English interpreters to all the Native Courts, now rendered necessary. If this plan were adopted, Englishmen would remain in the enjoyment of the privilege of being placed before a Judge skilled in English law, a perfect stranger, therefore, free from all local prejudices, and answerable to the Parliament of England for any perversion of justice.

It should be the vital care of the House of Commons that their fellow-countrymen, on settling in India—a dependency of England—should not be placed at the mercy of a judicial oligarchy, and be reduced to an equality with the worshippers of the most hideous images carved in stone. England would be wanting in maternal care if she tolerated such decemviral tyranny. The distance of these exiles from the mother-country should not form any reason for exclusion from constitutional privileges. In every other soil, in every other climate, where England exercises dominion, the rights of our fellow-countrymen are respected and secured as firmly by law as in England itself. That the people of England are utterly indifferent to the welfare of their kinsmen in India, is a feeling that has taken possession of many in the latter country. But let us give them

ample proof to the contrary. Let us agitate the subject till it be brought before the notice of the representatives of the country in Parliament assembled.

It is worthy of remark that her Majesty's Justices have exhibited lamentable want of spirit on this occasion of the invasion of their prerogatives. They are sunk in servile apathy; they are content to draw their large salaries in idleness. These abominable measures will diminish their labour,—a happy consummation! That these men are influenced by other considerations, we strongly suspect. They stand in awe of the Indian Government; they know that, in case of their becoming obnoxious and offering any resistance to the powers that be, they may be suspended from office in a moment. It may be remembered that the Governor of Bombay, Sir John Malcolm, suspended Sir James Peter Grant, one of his Majesty's Justices of Bombay, from office, merely because he said that a writ of Habeas Corpus would lie to the gaoler of a hannah, or station, near Bombay. Such a power in the Indian Government we would abolish. These Justices should be above the decree of any Company's Council.

The most important result of this abolition of the exemption of Englishmen from the jurisdiction of the Native Courts, will be the destruction of that valuable class of men, indigo planters. These men have publicly declared that they cannot remain in a land where their property, even their personal

liberty, may fall an easy sacrifice to national, religious, or private enmity. That the planters apprehend the worst consequences from the enactment of these measures, is sufficiently attested by the public meetings held in Calcutta. Mr. George Freeman, one of the most substantial planters in India, has thus expressed himself:—"I feel warm on the present subject, for I have reason to believe there is no individual British-born subject who has a larger estate in the Mofussil than I have. I have made this country my country of adoption, and expect to see my children run their career in it; and, therefore, will strain every nerve to transmit to them all the privileges and rights of British-born subjects unimpaired; yea, I will struggle for them, I will cling to them, as a drowning man to his last hopes, and will not be one to submit, without a struggle, to be deprived of my birthrights and those of my children."

Again, "It is of the utmost importance that British planters, landholders, sugar, silk, and cotton growers in India should understand that their numerous and dearest interests are most materially menaced by the proposed Black Acts; and I cannot doubt that if these Acts are to be made the law of the land, many of you will not hesitate to have recourse to every means to dispose of your respective properties to the best advantage; for the security, now felt and enjoyed under the protection of English law and in the Supreme Court, will then

no longer exist." Again, "If these Acts are passed, one of the consequences will be that British subjects will be driven from the Mofussil." The sense of the English community is so strong against these odious laws that there would have been an appeal to arms, had not our countrymen been so numerically weak. A patriotic barber in Calcutta, exclaimed, "We would resist these Acts with guns in our hands, were we not aware that the military are too strong for us. We are but a few, Sir."

Whilst the public meetings were being held against these measures, the chief merchants and European population closed their shops to display their feeling. Work was suspended; gloominess pervaded all places. Nothing which could impress the Council, then sitting in Calcutta with a lively sense of their hostility against these Acts, was left undone. Entreaties, threats were used. Some of the judicial oligarchy had the bad taste to set on foot an agitation among the Mahomedans and Hindoos in favour of the enactments. These counter-demonstrations reflected the greatest disgrace on those who originated them, as being extremely un-English.

That some tribunal is necessary in the North of India to take cognizance of the offences of British-born subjects is undeniable. Their exemption from the Native Courts, and the distance at which they reside from Calcutta, enable them to commit outrages on the natives—to exercise the worst

oppression with perfect impunity. The assistants to the planters, sometimes low, uneducated wretches, occasionally committed assault and battery without much provocation. The land-mark and land-settlement is too often the subject of contention. It is obvious to every one that it is incumbent on the Indian Government to protect their subjects against such ruffians. But let them not run into the other extreme and place our countrymen completely at the mercy of the natives. That English planters should commit murder in an affray and escape punishment, is opposed to all law. Again, that notorious liars should have it in their power by false swearing, to compass the ruin of good Christians, is a shocking enormity. That such acts of outrage on the part of the planters should have been tolerated so long does not redound to the credit of the Company. It should have been imperative on them to take notice of all such acts of violence, and the Government should have prosecuted the offenders in the Supreme Court. A truly paternal Government would have effectually prevented such frightful abuses; but, painful to relate, the collection of the revenue forms the engrossing thought and occupation of these merchant-princes.

The great distance at which these Englishmen lived from Calcutta precluded the native from any chance of redress at the hands of the Supreme Court. The expense entailed by the preferment of charges would oftentimes exceed his means.

But if our plan were adopted, and a Supreme Court established at Meerut, the native community might obtain redress against British-born felons with comparative ease. The magistrates should be instructed to hear all complaints against Englishmen, to receive depositions, and send up the case to the public prosecutor or attorney-general of the Supreme Court. Thus, a strong chain of protection would be formed for the natives, through which there would be no loop-holes for the culprit to escape. Magistrates should be authorized to take bail, and in certain cases to commit offenders to gaol, till the assize-circuit of her Majesty's Justice.

Thus, the natives would receive the protection due to them from their rulers, and Englishmen would continue in the enjoyment of the criminal law of England. But the Company's Judges may now imprison a fellow-countryman without fear of a *Habeas Corpus* being directed to them, consign him to a dreary dungeon at pleasure, and afterwards draw up accusations against him. Not only the Judge, but even the native *Darogah* may now arrest a planter living on his estate, drag him to the nearest prison, and afterwards convey him several miles to the magistrate on a frivolous and vexatious charge. A case occurred the other day, above one hundred miles from Calcutta, not very dissimilar to the case suggested as probable. An Englishman was living

with a salt-proprietor of some note. He went out on a shooting excursion, and put some shot into a native's leg by mistake. The native *Darogah* of the district, under the impression that these scandalous enactments had become law, arrested and confined him in the wretched village dungeon one day, and dragged him into the country thirty or forty miles on foot, to the Magistrate. The poor gentleman, unaccustomed to pedestrian exertion, begged permission to mount a horse. But, no ; this insolent heretical official kidnapped him, and dragged him that long distance under a scorching Eastern sun. The salt proprietor, Mr. B——r, to whom I am indebted for this story, vouched for the truth of it, and could not render his friend any assistance. This transaction took place in a wild solitary spot on the Bengal coast. No doubt the Magistrate acquitted the prisoner. But this is poor satisfaction to an innocent man for being bound by a rope and ignominiously dragged along by dirty Moslem and Hindoo boors. If an Englishman grows obstreperous under such circumstances, and snatches himself from the hands of the myrmidons of justice by violence, who would feel surprised ? Many a man would hold himself humiliated for life, if the hand of one of these infidel dogs were placed even on his shoulder.

There is a class of persons who, though their position and circumstances place them beyond the influence of these enactments, yet feel as lively in-

dignation against them as any others. We allude to those high-minded philanthropists, who cherished the expectation of raising the degraded natives to the standard of English civilization at some future day. They looked forward to the time when the natives would appreciate the institution of Trial by Jury and all the other blessings secured by English law. These friends of improvement see their hopes not only checked, but extinguished.

When it has once been established that Mahomedan law is considered by Englishmen of a sufficiently elevated nature to form their rule of conduct, when it has once been set up as the sole law of the land, the legal guide of natives and Englishmen alike, more dangerous and difficult will the attempt become to change Mahomedan legislation for English. The pride of the natives in their laws and customs will be strengthened; therefore more difficult of eradication.

As for the conversion of the natives to Christianity, such a fulfilment is more remote than ever. Now, that we sink, of our own accord, to the degradation of the Koran, how can we call on them to forsake it, and the dark Vedas for the truths of the Gospel? In short, the evils of which these measures will be productive, whether we regard the intellectual or religious advancement of the natives, are unspeakable. The respectable Missionary clergymen, upon whom the native Christians

depended for support and encouragement, will be rendered as defenceless as any indigo planter. Therefore, the few native Christians, scattered over the country, who are treated by their families and friends as outcasts and worse than criminals, will lose courage. And all the money expended on missionaries, may be counted as thrown to the winds. The shillings of charitable folks had better be directed elsewhere. The embryo of Christianity has been destroyed. A better drug to effect the object could not have been employed.

It may not be out of place to remark, that it has been the habit of many members of the military and civil services in India, for some time past, openly to profess a partiality for a native caste. This has arisen from a wish to conciliate and attach their servants to their interests; one refrains from pork for fear of disgusting good Moslems, another lives on vegetables, lest he should offend the prejudices of good Hindoos, who believe in the transmigration of souls. Such men as these, and many who do not sacrifice their tastes to the caprices of natives, spurn a native Christian from their doors with the greatest ignominy. They apply the most abusive epithets to the unhappy outcast, and declare their charity would be more profitably extended to a Mahomedan or Hindoo beggar. This is not a hyperbolic statement but a positive fact. When English gentlemen thought fit to make these sacrifices, to

conciliate the affections of their native retainers, under the old system, to what lengths will they not now go, when their every thing is held at the mere pleasure of the natives ? That many of these time-servers will now openly persecute these black believers in the truth of the Gospel, we verily believe. Soon a native Christian in Bengal will be as great a *rara avis*, as the rat of the old English breed in England.

It has been said that the Press of India will exercise a wholesome restraint on the officers of justice, that a never-ceasing apprehension of being held up to public indignation, in case of transgressing the proper limits of justice, will haunt the Pringles ; that the liberty of the Press, which forms such a protection to the people of England, will fully compensate for the loss of Trial by Jury and English laws. So far from giving assent to these specious and hollow reasonings, we hold that these measures have inflicted a death blow on the liberty of the Fourth Estate. The Editor of an Indian paper will now endanger his property and even his personal freedom, if he tax the Indian Government with the slightest injustice or dereliction of duty. He must be prepared to suffer any amount of imprisonment, before he casts reflections on the character and proceedings of the Judges and Magistrates. Instead of constituting any protection against the ignorance and oppressive spirit of these hybrid Ephori, the tendency of

of these enactments is to gag the Press, and to prevent the free expression of public opinion. In a flash of lightning, these men will convict the Editor of a paper of libel or treason, and sentence him to transportation, without benefit of Jury. Appeals to the chief Native Court, the *Sudder*, are useless, as the case of Mr. Cruise will demonstrate. The *Sudder* pronounced this gentleman mad, because he was loud in his remonstrances and applications for redress. The ingenuousness of the *Sudder* is about on a par with its ingenuity. There are, however, members of the Indian press who gave their hearty support to the Government on this occasion. But inquire into their motives,—the *primum mobile* of their conduct. The *Friend of India*, the Serampore paper, is conducted by a simious fellow, a servant of the Government, who is deeply interested in defending all Government measures. He, *one* of the propounders of Mahomedan law, as modified by the Company's regulations, and therefore authorised to mete out justice to Englishmen,—is desirous of adding to his own importance. His opinion on the subject is worth as much as that of Sir W. Williams was, respecting the dispensing power of James II. We value the writings of such servile fellows at a brass farthing. The *Mofussilite*, the *Meerut* paper, edited by a needy barrister, advocated the adoption of these measures. But, poor fellow! he had an eye to his own interests. He frequently made an effort, under

the old system, to plead in the Native Courts; but his right as a barrister of England was not therein acknowledged. But the introduction of a new state of things—the Courts being opened to the barristers of England and the native Omlahs alike,—was accordant with his wishes and expectations. He will now fill his pockets and heap up pagodas of rupees. The disinterestedness of this paper is sufficiently evident, eh! But it is not yet certain English barristers may appear in the Native Courts. Under the old system they were debarred from access, unless they qualified and took the native degree, like every low Omlah.

In these enactments there is no clause empowering the barristers of the Supreme Court to plead at the native tribunals. Surely the Indian Government cannot have it in contemplation to enforce on the alumni of the Temple and Lincoln's Inn the necessity of taking the native degree. What a humiliation to the Mortons and Dickenses of Calcutta!

If Mahomedan laws are to be administered to British-born subjects, it does certainly seem a necessary consequence, that barristers must acquire a certain knowledge of the laws, which it will devolve on them to expound to the Jury. This is a ramification of the confusion and inconsistency which will ensue from these absurd monstrosities.

But to return from our digression. The only other paper in India, which has declared against

the interests of our fellow-countrymen, is the *Delhi Gazette*, as servile an organ as *The Friend of India*, with this difference that Mr. Marshman of Serampore is the servant of Government, whilst the editor of the *Delhi* is little better than the servant of the servants of the Government. The sycophantic turn of this paper has passed into a proverb. Its stipulation with the Lawrences, the Governors of the Punjaub, is notorious. They supplied news and official notifications; it supplied praise. That treaty was harmless; but in this case the *Delhi Gazette* has gratified its love of flattery at the expense of the dearest rights of Englishmen. That these editors may be among the first to incur the displeasure of the God-like Pringles, is our hearty wish. With this black-leg triumvirate, with this combination of selfishness, all the other editors of any note are at issue. The Calcutta press has un-animously inveighed against such unconstitutional acts as the robbery of an inheritance hitherto regarded as inalienable.

If these laws had been in force when Silk Buckingham brought on himself the displeasure of Mr. Adams, the acting Governor-General of India, he would have been sent to Botany Bay or Singapore a branded felon, transported for life, instead of ever sitting in Parliament as one of the representatives of the British people. That the Press of India will suffer more annoyance from these dangerous innovations than from the most oppressive Censor-

ship, we now solemnly predict. We see clearly into the womb of time.

Now, with regard to the second enactment,—that respecting Trial by Jury,—we enter our most formal protest against it, as being a ridiculous mockery, calculated to tantalize the poor prisoner rather than to afford him protection. The institution of a Jury of natives—infidels and idolators—to determine the guilt of Englishmen and Christians, is a preposterous absurdity. Then, of what use is a Jury, if the Judge is not bound by its decisions? Oh, it may perhaps be the object of Government to teach the duty of Jurors to natives! A native Jury will always deliver the verdict which their interests, *not* their conscience dictates. If the Judge was known to be biassed against the prisoner, they would pronounce him guilty with the most creeping servility; for, being eternally alive to their own interests, they would have in view an office for some relative or friend. They would, in some cases, regulate their decisions according to the liberality of the prisoner. All natives, high and low, rich and poor, are influenced by selfish feelings in every action of their lives. If there should be a want of qualified persons to serve on the Jury, the Judge may constitute any *one* who chances to be present in Court a Juror,—so says the ninth section of this Jury Act. He may empanel his own servants,—his *kitmutgar* (footman), or *mehtur* (sweeper). How independent these Jurors

will be ! Is it intended to authorise the appointment of the officers of the Courts on the Jury, in default of a sufficient number of qualified persons ? Yes, to judge from the wording of the said section. The difficulty of empanelling a Jury of twelve men, respectable in character and talents, in the different districts, constitutes the chief argument for curtailing it to five men, and for divesting it of that mighty prerogative of determining the guilt of a prisoner. Who would place any confidence in the honesty of a Juror sworn on the Koran ? Indeed the ceremony of oath-taking is so lightly considered in the Native Courts, that oaths have been administered to the Hindoos on the Mahomedan Bible. Our space will not permit of our pourtraying all the incongruous follies of Mahomedan legislation. The abolition of that venerable Saxon institution in its real protective sense, is the greatest outrage ever perpetrated by the Company since their conquest of India. That the Parliament never intended to convey to the Governor-General the power of abolishing Trial by Jury, and the jurisdiction of the English law over Englishmen, may be gleaned, we submit, from the 43rd clause before quoted. Trial by Jury is the most essential component part of "the unwritten laws and constitution of England." *The Friend of India*, the organ of the Indian Government, has published several articles in defence of this proceeding. It regards Trial by Jury as an useless institution, cal-

culated to thwart the ends of justice. It harps upon its abuses without setting forth its preponderating advantages ; it talks of the decision depending, in a great measure, upon the powers of the stomach ; it loses sight altogether of that important peculiarity—its protection of the prisoner. Not only its Editor, but many persons holding the highest offices in Calcutta, have expressed their opinion that the finding of the verdict, as well as the sentence, should rest with the Judge. Amongst others, a Justice of her Majesty's Supreme Court has expressed his conviction of the uselessness of juries. Their argument is that the Judge, being an enlightened man, is more competent to settle the degree of guilt of a prisoner than an uneducated, obstinate juror.

It would appear that the Indian Government is determined to be as arbitrary and unreasonable as possible. It is so bent on depriving our fellow-countrymen of a fair trial, that it excludes military officers and all other suitable persons from filling the situation of jurors. The difficulty of obtaining the assistance of Englishmen in some districts will be great. When you do get them it will be difficult to ascertain whether they are dependent on the Judge or not. Now, in most places, a jury of honourable, intelligent military officers might be summoned, free from all prejudice, and resolved to state boldly their opinion as to the merits of the case. Though the Judge is not bound by law to adopt their decision, it is more

likely that he would consult their wishes than those of men of low station and education. It might have been expected that the Government, on the institution of this mock jury, would have so far respected the natural privileges of Englishmen, as to have given them a jury of five of their fellow-countrymen, when possible. But, no; it is declared that religion, therefore colour, shall not form any ground of challenge. *Proh pudor!* honourable gentlemen of the Indian Council! The English law, when it summons a foreigner before the tribunal of justice, makes every effort to assemble six other foreigners to compose half the jury, and thus to obtain as dispassionate a hearing as possible for the prisoner. Surely the Indian Government might grant to our kinsmen, living in India, the privilege of being tried by a jury of persons, half of whom, at least, were of the same colour, opinions, interests, religion, and country as themselves. That Moslem dogs, whose ideas of future happiness do not extend beyond visions of the Gilman and Houri, should sit on trial on natives of Great Britain, chaste and honest Christians, both in the capacity of judges and jurors, is a damnable stain on the Indian Government. Let them curse us as dirty dogs of Christians; let them spit on us and our legs of pork, if you will; but, for God's sake, do not give them the power of confiscating our property and transporting us beyond the seas!

We are not vindictive; but we should like to

see the experiment of a heterogeneous jury and Mahomedan legislation tried first on Drinkwater Bethune, the legislative member of the Council, when a charge of intoxication or adultery may be brought against him. He is a lawyer by education, and he should know that Englishmen will not tolerate acts so repugnant to the spirit of their revered Constitution. This sapient lawyer had flattered the Indian Council that he had removed the nuisance of the Supreme Court by another expedient. Before the enactment of these measures, it was declared that all Englishmen, on asserting their right to be tried in the Supreme Court at Calcutta, must *prove* that right; that the *onus probandi* rested with them, and that the proof adduced must be to the satisfaction of the Judge before whom they were taken! Only imagine a poor, ignorant Englishman being, of his own wisdom, compelled to shew cause why he was exempt from the jurisdiction of the Native Courts, and *how* he became entitled to a trial in Her Majesty's Court, and, mark you, to the satisfaction of the Judge! Why, (as we have before shewn) the Charter secured these privileges to Englishmen, and was supposed to provide against their infringement. But if no such authority in favour of the exemption could be adduced, surely the force of custom—a custom prevailing since the days of Sir Elijah Impey, ought to have been a sufficient bulwark against these outrageous innovations. Cus-

toms, generally received and adopted, gain the force of laws. Well, let the Company twist and turn the Articles of the Charter as they like ; let them arrogate to themselves the power of legally making as arbitrary statutes as they like, still we say, they and their servants will be liable to be impeached before the House of Commons for wholesale murder and robbery, if they hang, transport, or fine any Englishman without affording him the necessary protection of a trial by twelve of his peers.

Nothing but the most urgent necessity would justify such measures, and we deny that the necessity exists. If the English in India were in arms against the Indian Government, were hatching plots and insurrections in all quarters, then such a necessity would exist. That Sir John Littler and Mr. Drinkwater Bethune may adorn the gallows, is not our desire ; but that there is every chance of their meeting with the same fate as Governor Wall, in the event of any Indian judicial murders or robberies, is certain. If they are tucked up on this account, depend on it the English people will not give them a silken rope. If her Majesty's advisers are indifferent whether Englishmen be thus oppressed with impunity, we entreat the English people to bestir themselves, and view the injuries done to their distant brethren as injuries done to themselves.

What can be more incompatible with common sense and justice than the spirit of the third enact-

ment. To pronounce the Judges infallible, to grant them immunity from the consequences of all acts of violence and legal errors committed by them on the Bench, on the supposition that they acted in good faith, is preposterous. It is a matter of wonder that such an expedient did not occur to the Stuarts, to justify the illegal proceedings of such tools as Jeffries and Wright. How the bile of Shaftesbury and Halifax would have risen, had it been laid down as law, that no proceedings could be entered into against Judges for decisions, however contrary to the spirit of law and the dictates of equity! What greater opening to tyranny and injustice can be conceived? If the Judge loses temper, gags and beats a prisoner for contempt of Court, no redress can be obtained; for the law insures him perfect impunity, on the ground that he acted on good faith. The Judge will indulge all the evil passions of human nature, for he is exempted from any punishment, and seldom perhaps will any case attract the attention of Government. What a wonderful gagging influence will these laws have on the Cruises, when they stand on their trial before the Pringles! How the blood will curdle in their veins, for fear that the thumb-screw and boot may be brought into play! It is difficult to conceive that a principle, so liable to abuse, prevails in the most despotic Governments of Europe. If a Judge finds an innocent man guilty of a misdemeanour, and sentences him to

transportation for life, surely the Court of Appeal will commute the sentence to the punishment prescribed by law, though the Judge be not responsible.

Why did not Governor Wall of Goree hit on the expedient of declaring himself, or rather the judicial power subordinate to him, irresponsible for any acts performed in the administration of justice, on the supposition, that it acted in good faith? Would he have escaped the gallows? No; her Majesty's Governors could not thus offend against the principles of English institutions, without exposing themselves to vital danger. But, alas! these Company's Judges, though administering justice in a dependency of England to Englishmen, enjoy exemption from the salutary control of Parliament. They may run a career of infamy, oppression, and inhumanity, checked may be occasionally, but unpunished. The necessity for the subversion of the common rules of jurisprudence does not suggest itself to us. Tell us what necessity there was for giving this extra protection to the Judges. The old law, as it stood, sufficed to enable the Judges to exercise influence and to command respect in the country. It ran thus—"Whereas it is reasonable to render the Provincial Magistrates, as well natives as British subjects, more safe in the execution of their office, be it enacted, that no action for wrong and injury shall lie in the Supreme Court against any person whatsoever, exercising the judicial office in

the country Courts for any judgment, decree, or order of the said Court, nor against any person for any act done by or in virtue of the order of the said Court." Appeals, otherwise, would have been so numerous, that the Supreme Court could not have got through the work. Besides, the two systems of law, the English and Mahomedan, would have clashed there, when nothing but chaotic confusion must have ensued. Nothing could have worked better than this enactment: Supreme Court Justices were confined to their own proper limits; and the Company's servants, free from all molestation, dispensed the law according to the custom of the country.

Occasionally cases have been referred from the Company's Courts to her Majesty's Justices; but the latter are generally guided by the wishes of the Government in their decisions. As a proof how cautious these Justices are, when weighing questions of appeal, even those affecting their own jurisdiction, we may state that they could not bring themselves to afford any pecuniary or other satisfaction to Mr. Cruise, whose case we have related. Apprehensions of incurring the displeasure of Government and suspension from office troubled them. Whilst these Justices are subject to dismissal by the Indian Government, it is not to be expected, that they will offer much resistance to its oppressive Acts.

Once upon a time the Chief Justice could cite the Governor and Council before him to answer

for any misdemeanour. This high functionary acknowledged no other authority than that of the King. But, in process of time, as this inordinate power, resident in the Chief Justice, was the source of much contention, and impeded the administration of the law, it became necessary to declare the Government of India paramount.

Now, under the operation of these new laws, the Chief Justice himself may be arrested by any Mahomedan constable, and dragged before a native tribunal, to answer any accusation that may be preferred against him. It is now almost time for the Supreme Court to collect its goods and chattels, and embark for England. The next proceeding of these Calcutta legislators may be the utter annihilation of the establishment. We, however, encourage sanguine hopes of a violent re-action. The consequences of this attempt to curtail the power of her Majesty's Courts may be, that the House of Commons may make their jurisdiction more extensive than ever.

We have asserted that the Justices at present in Calcutta possess no independence. This is so manifest, that Mr. Theodore Dickens, an old practitioner of the Calcutta bar, eminent both for his talent and public spirit, declared at a meeting in the Town Hall at Calcutta, that Her Majesty's Justices, Peel, Buller, and Colville, wanted that firmness of character and manliness of spirit, so inseparable from the independent Judges of Eng-

land. Where could the Indian Government have found a more subservient tool, than that old wight, Sir F. McNaughten, who, as Dickens says, gave it as his opinion, that the Government could gag, or rather license, the Press, because the laws of England tolerated a license to sell beer !!

The Friend of India has stated that Sir Lawrence Peel, the Chief Justice of Calcutta, recommended the enactment of the law for the protection of judicial officers, having an eye to his own emancipation from the thralldom of the Privy Council of London. That he is, in fact, desirous of hanging, imprisoning, and fining, without the legality of his measures being called in question. What an important personage, forsooth, his lordship would become ! No appeal—no Parliament—full liberty to murder and rob as he chose ! But, *Friend*, such a result will not be achieved by this Act. You cannot really think it possible that the Privy Council will thus allow some of its most important privileges to slip from its fingers. What power can supersede its right of hearing appeals from India ? And who will dare to prohibit plaintiffs making their appeal to the Privy Council ? Whether such advice emanated from Sir Lawrence Peel we know not ; but it exceeds the bounds of credibility, that he could have contemplated making himself independent of the Queen. Is there a Board of Control ? Is there a House of Commons ? Is the Queen of England paramount, or is

she not? *The Friend of India* or Sir Lawrence Peel must be in his dotage. The laws of England do not take for granted that Judges acted on good faith when they have perverted the meaning and spirit of justice. They do not throw around judicial officers the ægis of infallibility. They do not insure them against the consequences of any corruption or tyranny of which they may have been guilty. Yet the Judges of England are men of vast experience, who have turned and well examined every stone in the fabric of legislation, uninfluenced by any local prejudices. How much more necessary is it, then, to keep a wholesome fear before the eyes of men, educated in an arbitrary school—of narrow views, swayed by momentary impulses—and dispensing laws, which may be twisted into *any* and *every* meaning.

However, there is one reason why such men should be protected from the consequences of their actions—their ignorance of all law. No man would inflict death on a lunatic because he committed murder. He is irresponsible in the eye of the law. On this principle only can impunity be given to the Company's judicial officers. You put a sword into a lunatic's hands—he kills you—who would punish the lunatic? If you assign the functions of interpreting and dispensing justice to infants, it is only right that you should insure them against the consequences of any wild freak they may commit.

The introduction of these obnoxious measures at

this particular time must be attended with the most detrimental consequences to the Company. Just before the expiration of the Charter, granted in 1833, the Government of India manifests to the English people the despotic nature of its institutions. The Company could not have hit on a more effectual means of exciting the popular rage against their monster monopoly than by this attempt to abolish Trial by Jury; nor a better way of arousing the indignation of all Christians, than by this uncalled-for degradation of our Bible to an equality with the *Koran* and the *Shasters*? That the Indian Government, thus acting contrary to the spirit of English institutions, has forfeited all right to exercise dominion over such extensive territories, is a proposition many will be disposed to maintain. The sooner the power vested in these great monopolists, these un-English rulers, is resumed by the Parliament, the better. That the Company has raised itself to an exalted position by sheer genius, that it has done much to gain the popularity of an immense people, is undeniable. But all these subjects of commendation are lost in the fact that this body has been guilty of an innovation on our constitutional rights, which might furnish a dangerous precedent. That a Council of Englishmen of high rank and education should have been a party to such measures, proves that no reliance can be placed on an oligarchy, directly responsible to no Parliament, no people, for its actions.

Suppose, on some future day, a Ministry, in which

there might be a Minister or two who had held high office in India, were to propose an abolition of Trial by Jury, on the grounds that such abolition had taken place in India, and been attended with the most beneficial results. That such an argument might be adduced by Ministers to get rid of that troublesome institution, which interposes between them and prisoners arraigned for sedition or treason, is possible. Whether the English people would acknowledge the value of such a precedent, is quite a different thing. We indulge a fervent hope that these startling atrocities may awaken all classes of Englishmen to a full sense of the importance of bestowing some attention on Indian affairs, now that the expiration of the Charter is at hand. The public meetings, already held to discuss the question of the Company's salt monopoly, have done much to dissipate the ignorance and apathy pervading society on matters respecting India. We should rejoice to see an Indian question once more form the hinge on which the fate of Ministers turned, and distract the kingdom from one end to another. Until very lately, that gem in the British Crown, those magnificent territories, stretching for thousands of miles, and supporting a vast military force, equalling that of some of the chief of the continental armies, did not engage more of the public attention than Newfoundland or Sierra Leone. Such apathy, to say the least, is unaccountable. Though Indian affairs did not influence

British politics, yet it might be supposed that the interests of a vast empire, remarkable for its mighty resources, and employing the energies of so many of our fellow-countrymen, would arrest some transient notice. This indifference is so notorious, that a Justice of the Supreme Court of Calcutta expressed a doubt that the people of England cared one straw whether their kinsmen in India were legally or illegally punished. We entreat you to give the lie to this foul stigma, by raising your hearts and voices against these illegal proceedings, and by lending your hearty co-operation to the unfortunate exiles, in their efforts to effect the restoration of their constitutional inheritance. Let all clamour strenuously for an Act of Parliament which will secure inviolable to Englishmen in all parts of the world, subject to the British Crown, their hereditary rights, the advantages of Trial by Jury, and Habeas Corpus. Let a more vigilant supervision be exercised over the Company's Government; take away from these monster monopolists the power of dismissing such illustrious statesmen as the Earl of Ellenborough, to whose vigorous and politic measures we may attribute the preservation of India. Do not leave to the Company the power of rejecting the services of such distinguished officers as the Charles Napiers, when a great public emergency requires rapid decisions.

If India be a dependency of the English Crown, should the Local Government have the power to

abridge the jurisdiction of a Court established by Act of Parliament? If India be not a dependency, and the Local Government there may pass any laws, however contrary to the express intent of Parliamentary enactments, the sooner it becomes a dependency of England the better. If the Legislative Council of Calcutta be really independent of the British Parliament, let them issue a decree, that all British born subjects should openly express their belief in their infallibility, on pain of death ; let them issue such a law, and punish the infringers of it ; let them take any other advantage of the mysterious wording of the 43rd and 53rd clauses, which advantage is contrary to the spirit of the British Constitution ; let them do any thing else they like ; but a day of fearful retribution will arrive.

Antagonistic as the total repeal of the Company's Charter might be to the continuance of English rule in India, we would rather hand over the administration of Indian affairs to English Ministers, and take the chance of a sensible system of Government, than see such indecent outrages perpetrated on the most glorious principles of the English Constitution. As to the reason assigned for this perversion of the spirit of clauses of the Charter, we have before shewn, that the clamour about the expences of the old system is idle and a mere blind to other motives of a deeper nature. That it is the wish of the Indian Government to

exterminate the race of planters and colonists in India, has been asserted, but perhaps without good reason. If the Government had it in view to accomplish this result, it could not have adopted a better way of driving British-born subjects from India. Sir John Malcolm, that distinguished servant of the Company, to whom we have before alluded in connection with Sir J. Peter Grant, frequently declared his opinion, that the influx of British colonists into India should be checked,—that the colonization of India by Europeans to any extent, would alienate the affections of the natives from our rule. The opinion of Sir John should not be held too precious; for he took a one-sided view of all matters at issue between the Board of Control and the Indian Government,—between British-born subjects and natives. He had a too tender respect for native prejudices. On such points he was deficient in manliness. His arguments were, that endless subjects of contention would arise between the two classes about right of land,—that the planters were a low set, and would by their habits bring discredit on the British character, and that an Anglo-Indian race, degenerate in every respect, destitute of the energy and natural stamina of their fathers, and tainted with the vices of the natives, would spring up in every direction.

Had Sir John Malcolm been alive, he would have chuckled with delight, when the first intima-

tion was conveyed to him that these dark measures had passed into law, as he would not have failed to foresee, that they would drive away every English planter from India. The injuries inflicted on British and Christian interests by these acts, are innumerable. The advance of intellectual and moral improvement is interrupted. Those grand designs of the friends of the human race, the introduction of English law into India, or a legislative code grounded chiefly on that law, the advance of education, and the propagation of the pure truths of Christianity, have received a *quietus*—a knock-down blow. Let the half-Hindoo-half-Mahomedan officers, the abstainers from meat and pork, to whom we have before alluded, let them, now laugh and scoff with reason, at the abortive efforts of the unaided missionaries! The natives will exclaim, if the English, of their own free will, adopt the maxims of Mahomedan law as their moral guide, they must surely regard them as more conducive to the welfare of society than their own. Mark you! many of the natives will not distinguish between the Government and the English community.

If the Clergy of England were to take up the subject, and denounce these acts from the pulpit as a death-blow to the prospects of Indian missionary societies—if they were to protest against the ears of Christians being assailed with Maho-

medan curses and quotations from the Koran,—they would display a lively sense of their own obligations, and establish a claim to great admiration. Though it is sometimes the duty of an Administration to sacrifice spiritual or the secondary ends of Government to those primary ends, the maintenance of order and security of life and property, where both cannot be at the same time secured, yet where the primary ends are not endangered, the sacrifice of the spiritual becomes a national sin. That the Indian Government has not lent its sanction, in some degree, to the diffusion of Christianity among the natives, is a dark spot on its fame. It might have afforded pecuniary and other assistance to the persons engaged in this work, without giving offence to the natives. We are opposed to the imposition of the Christian religion by force, but would shew the natives that we set a proper value on the excellency of its moral precepts.

To sum up—that a conquered race, inflamed with a more than natural hatred of their conquerors, should stand on as equal footing with an Englishman, or rather on a more advantageous one, before a judicial tribunal, is a foul shame. We protest against unenlightened Hindoos, believers in a multiplicity of gods, and in the divinity of stone images, being exclusively placed on a jury, empanelled to ascertain the guilt of Englishmen. That the Indian Government should be em-

powered to annul privileges granted by Acts of Parliament, is a monstrous anomaly. That men devoid of legal experience and knowledge should be competent to transport Englishmen for life, without benefit of jury, and that they should not be answerable for any acts done out of the proper limits of their jurisdiction, is an unconstitutional enormity. The assertion that this abolition of the exemption of British-born subjects, from the Native Courts, is necessary, is an atrocious, unmitigated falsehood.

We will briefly review the arguments employed to vindicate these measures. The cost and inconvenience of sending prisoners from such a distance as from Meerut, for instance, to Calcutta,—then the outrages inflicted on natives by British planters in the interior, and a wish to demonstrate to the black community that they have masters who will secure to them justice. Now, as to the first, the cost is trifling, and nothing compared to the expense which must be incurred in furnishing the Native Courts with interpreters, &c. The annoyance of removing prisoners such a distance, may be remedied by the establishment of a Supreme Court at Meerut or Agra. The expense of such a tribunal sinks into insignificance before the mighty interests endangered by these measures. Let the Company have a care lest they lose millions, whilst they affect to be solicitous about thousands. The abolition of that useless office, the Deputy-Go-

vernors of Agra, would supply ample funds for the erection of a Supreme Court of Judicature in the North-West Provinces, on a plan of the most effective organization.

Under the old system the native Christians, after their renunciation of the errors of Mahomet or Bramah, still remained amenable to the native Courts. We hold, that they became entitled to be summoned before a Christian Court *alone*, and should have been made superior to the Heathen Courts. This would have placed native converts on a comfortable footing, and have afforded them that protection, of which they stand in such urgent need. Had not the Rulers of India just made British-born subjects amenable to the Company's Courts, we should have expressed surprise that they had never relieved native Christians from such a jurisdiction. The native Christian, despised and persecuted by his nearest relatives, who spurn him as if he were a skink, unfriended by the officers of the service, becomes a wretched outcast, the butt of two hostile creeds.

If our end, which is nothing less than the repeal of these atrocious Acts, be attained, we should not be satisfied with this triumph, but should also demand from the Indian Government the emancipation of all native Christians from the Mahomedan Courts. Then the work of the missionaries would once more flourish. For God's sake! let some inducement be held out to natives to embrace

Christianity ; do not throw discouragement in their way.

As to the other argument, the oppressive demeanour of the planters to the natives,—we have allowed that many outrageous acts have been perpetrated by the former ; but we have suggested easy and feasible remedies. The country magistrates taking informations and sending up charges to the Supreme Court to be established at Meerut, presents the solution of this difficulty.

This and many other plans might have been followed, had the Government entertained any wish to enjoy the goodwill of the British-born residents. No, they are eternally talking about the necessity of respecting native customs and prejudices, but bestow no thought on the feelings and opinions of their fellow-countrymen. It behoved a paternal Government to lend some attention to the entreaties of so many of its dependants. If these assemblies had demanded the repeal of any particular tax or impost, it would have been a different thing ; but where they merely remonstrated against their long established laws and institutions being wrested from them for no earthly reason, the Government should have been better disposed to take their demands under consideration. Neither their revenue nor their dignity would have been sacrificed.

In the event of any revolt of the natives against the Company's Government, it would be of vast

importance that the sense of the English community should be in favour of the latter, and that they should give their zealous co-operation in the suppression of it. That a few discontented Englishmen may sow the seeds of rebellion, and exasperate the feelings of the native population against our rule, was demonstrated the other day at Ceylon. There can be little doubt that the Cingalese would never have risen in revolt, had they not originally been incited by the suggestions of evil-disposed Englishmen. However little chance there may be of such a co-operation being necessary to the Executive, however trivial the assistance our scattered fellow-countrymen could furnish, it is better, depend upon it, that they should be favourably disposed. The power of an individual Englishman to do mischief by misrepresenting the acts and motives of Government, is inconceivable.

In the name of those English planters, who with the full conviction that they would remain in the enjoyment of their constitutional bulwarks, purchased possessions in India and settled there, in the name of the English Constitution itself, we enter our solemn protest against these illegal enactments. That they only involve a necessary adaptation of Englishmen to the laws and customs of India, we deny.

Depreciation of property must be a necessary consequence. The planter will not obtain the same price for ground that he gave, and conse-

quently will be a sufferer in purse. What Englishman will be insane enough to purchase land in a country where there is no security for life or property, where if a man should chance to fall under the displeasure of a Judge, because he did not accord him the respect of a salutation as he passed along the road, he may be transported to Botany Bay by the same Judge on the false evidence of his cook, whom he had whipped the day before for purloining three eggs out of four which he had given him for a pudding.

The planter seldom passes a day without coming into collision with the native. There is a native ready to prefer a claim to every piece of ground in India; therefore, there is eternal squabbling. The native, inflamed by passion, will now destroy his adversary by process of law. To escape from a country beset with so many evils, will be the object of every one. The flight of all Englishmen, aye, such a consummation, will tally exactly with the wishes of the Indian Government.

Why there should be such strong opposition to European colonization, is not easy of solution. In our opinion the more English settlers in India the better. They would set examples of industry, and teach the natives useful trades. By association with them, they would illustrate how beneficially the truths of Christianity operate in the formation of character. We cannot agree with Sir John Malcolm in his low estimate of the character of

the English planters. They are an industrious, honest, and intelligent set, and deserving of every consideration at the hands of Government. That the natives should assert their claim to every inch of ground, and their claims as often false as not, should be respected with such scrupulosity, is absurd and attributable only to craven fear. That there is room for the introduction of many colonists in India, is certain, without any arbitrary encroachment on the rights of the natives. It is a well known fact, that the more you indulge the prejudices and caprices of the natives, the more they will exact. That they do not appreciate this forbearance on the part of the Government is notorious. We do not confine our charge of false policy against the Company to this subject, but extend it to that most vital question, the propagation of Christianity. Their apathy on this point is objectionable in the extreme. We do not impeach them of apathy only, but of absolute opposition to the spread of our religion. What greater obstacle could they have opposed, than their prohibition of their clergymen attempting to make a single proselyte, on pain of dismissal. That the Company have a divine mission in India we hold ; but up to this time what have they contributed to the accomplishment of this great end ? But here is again that craven fear of offending the prejudices of the natives. We would be the last to

kindle a rebellion in India by a superfluity of religious zeal, but we would shew that we esteem our religion to be the true one and most beneficial to society.

Let it be proclaimed that, among candidates for official situations, those shall enjoy the preference who are acquainted with the English language, and then let a care be taken that the Bible be put into their hands at school.

Once more, in the name of the Englishmen in India, who are too few to command respect from the Calcutta authorities,—a small handful of men among thousands of soldiers,—in the name of British generosity and civilization, we call on the compassion of our fellow-countrymen, who sit at home at ease, to arouse itself. Let the English nation but espouse their cause, and every grievance is redressed. There is no exaggeration, or violation of truth in these pages. We are no planters; therefore do not write under the influence of passion or fear. We have, however, resided in India, and therefore can testify that this alienation of inalienable privileges has outraged the feelings of the whole English community there. There is scarcely a single British-born subject in India who does not pray from the bottom of his heart that the Queen's Ministry may assume the administration of the affairs of that country, and who does not associate with such assumption the restoration of his birth-

right, and the amelioration of the intellectual and moral condition of the native.

In conclusion, if this humble production should engage the slightest degree of public notice, or stimulate an abler writer to send forth a more elaborate appeal in behalf of the sufferers, we shall receive ample compensation for any labour and trouble we may have incurred. If we have merely done the work of pioneers, we shall have the satisfaction of thinking that we have been instrumental in the conquest of the citadel ; for we shall have opened the way to the assaults of more experienced and skilful men, who will carry to a successful termination our beginning of a glorious enterprise.

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